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Shelter Sector Reform Project Newly Independent States of the Former Soviet Union

An ICMA Report

Prepared for the Office of Housing and Urban Programs
Agency for International Development



**CONDOMINIUM/COOPERATIVE HOUSING
FORMATION IN THE REPUBLICS
OF KAZAKHSTAN AND KYRGYZSTAN**

TRIP REPORT

March 4-23, 1995

Prepared for the U.S. Agency for International Development
Bureau for Europe and the New Independent States
Office of Environment, Energy and Urban Development
Urban Development and Housing Division

By

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Working Draft - "Organizing Cooperatives Seminar"

Slides and Overhead Projector Slide
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Facilitator's Guide (English version)

Participants Workbook (Russian Version)

Other Materials

"A New Way of Managing..." (English and Russian)

Sample City Resolution (English and Russian)

Model By-laws (English and Russian)

"A Guide to the Formation of a Cooperative of
Apartment Owners" (English Version and Russian
without Appendix)

I. EXECUTIVE SUMMARY

March 4 to 23, 1995 Paul Mengert worked in Kazakhstan and Kyrgyzstan, assisting ICMA officials to develop and coordinate programs to encourage the formation of residential cooperatives. March 16 through 19, 1995 was devoted to working specifically with Resident Advisor Beard in Bishkek.

The program foundation has been established by Resident Advisor Gaynor and TDY Michael E. Kucharzak. TDY Mengert met with officials in Bishkek and various cities in Kazakhstan to encourage their involvement, support and cooperation in working with the cooperative program. Mengert was well received by all officials, most of whom were very enthusiastic about the program.

Housing privatization efforts are nearing completion throughout Kyrgyzstan and Kazakhstan. However, in most cases, the framework to operate the privatized buildings have not been formed. The concept of operating the buildings as condominiums is generally accepted when presented.

The situation is complicated by many logistical problems that will require specialized approaches. One of the largest obstacles is the fact that the payments currently made to the state maintenance organization are usually far less than the actual operational costs. A phase-in plan is necessary to reconcile the amount paid to the cost of services. Some significant savings can be realized by more efficient operations.

The program's initial success in Petropavlovsk and Semipalatinsk indicates the program's viability. While cooperatives will not in and of themselves solve the wide spectrum of difficult problems that exist, they do offer a realistic framework to address situations. The cooperatives demonstrate democracy almost immediately.

The strategies recommended are as follows:

1. Continue to secure the support and agreement of Governmental Officials to help organize and support the program.
2. Continue the development of the local staff.
3. Organize and conduct an educational training seminar to inform deputy governmental officials of the program and explain the operations and benefits of condominiums.
4. Organize and conduct an educational training seminar to teach emergent condominium leaders to form and operate condominium associations.
5. Establish an NGO to permanently facilitate educational needs of condominium operations and serve as a support organization.

II. INTRODUCTION

The International City/County Management Association (ICMA) has initiated programs in Kazakhstan and Kyrgyzstan to encourage the formation of residential cooperatives. (For the purpose of this report, as in the field, the word "cooperative" is used to describe condominiums, owner associations, and other common interest real estate associations). The basic approach utilized by ICMA has been to encourage governmental officials, primarily on the city level, to support the formation of cooperatives. Resident Advisor (RA) Richard Gaynor and Temporary Duty Consultant (TDY) Michael E. Kucharzak organized a seminar for city leaders which was held December 8-10 in Almaty, Kazakhstan. The seminar was attended by the cities of Atyau, Karaganda, Pavlodar, Semipalatinsk, Taldykurgan, and Chimkent. Prior to attending the seminar, the cities were required to sign a city resolution indicating that they would encourage and assist in the formation of cooperatives.

RA Gaynor has developed a team of local individuals, employed by ICMA, to assist him and the various TDY consultants with the program. The team consists of Olga Kim, a young woman whose educational background includes study at Princeton University, and who is an architect with Soviet training, and Vladimir Konstantinovich Zhurin, a 50 year old man who is a former Deputy Minister for Housing in Kazakhstan. Zhurin, who held a top position in the communist party, is well-respected and well-known among many of the local housing officials in Kazakhstan and Kyrgyzstan. The third member of the team is Vladimir, a 40 year old professional translator who has experience in housing, by working with ICMA and participating in a study tour to the United States.

RA Gaynor, his team and TDY Kucharzak have prepared various informational materials about cooperatives. These materials include an information booklet published in English and Russian, as well as two videotapes produced in Russian regarding cooperatives. Before Mengert's TDY, he assisted RA Gaynor and TDY Kucharzak in preparing a cooperative manual (Appendix A) which has also been published in English and Russian.

At the city workshop held in December, ICMA agreed to send the cooperative team along with appropriate TDY's to each city participating in the program in order to assist them in forming cooperatives. One of the fundamental purposes of the TDY assignment was to provide this

assistance to the city of Semipalatinsk and the city of Petropavlovsk. In addition to conducting training for cooperative leaders in Semipalatinsk and Petropavlovsk, the TDY assignment also entailed assisting with the formation of additional training materials. Further, the mission was to work with RA Beard in Kyrgyzstan to form a plan of the cooperative organizational in Kyrgyzstan.

III. SEMINAR ORGANIZATION AND PLANNING

Prior to Mengert's arrival in Kazakhstan, members of the cooperative team from Almaty had made advance visits to Semipalatinsk and Petropavlovsk for the purpose of securing the facilities and setting the agendas with the local officials. The cooperative team met with RA Gaynor and TDY Mengert to review the agenda and de-brief Mengert and Gaynor on the specifics in Semipalatinsk and Petropavlovsk. Mengert and Gaynor both expressed concerns that the city administration officials had controlled the agenda in such a fashion that many city officials, who were unlikely to contribute significantly to the education of cooperatives, had planned to have significant speaking roles in the seminar. The team and Gaynor requested that Mengert share information regarding the basic operation of U.S. cooperatives with the groups which would assemble in Semipalatinsk and Petropavlovsk. After discussion with the team and Mengert, it was suggested that in addition to discussing the cooperative model in the United States, he should also present problem-solving techniques to the cooperative leaders. Gaynor indicated that he would give time slotted on the agenda in Semipalatinsk for him to discuss the role of ICMA to Mengert, so Mengert would have more time to present direct information about cooperatives to the participants.

The substantial obstacles with logistics regarding air transportation to and from the seminar sites, as well as accommodations in the cities, should not be overlooked. The team and RA Gaynor were successful in making the logistical arrangements to travel to and from both cities after significant efforts.

IV. SEMIPALATINSK SEMINAR

The cooperative team, RA Gaynor and TDY Mengert, arrived in Semipalatinsk on March 8, 1995. Cooperative team member Zhurin had made arrangements with ranking local governmental officials to meet the group upon arrival. The group conducted a brief discussion with the local officials that evening. On March 9, the group conducted a more detailed meeting in the morning with the Deputy Mayor of Semipalatinsk. Following the meeting, the seminar commenced with the first day being designed to mainly cater to city officials. Administration officials, as well as ICMA team members Olga Kim and Vladimir Konstantinovich Zhurin, both gave presentations. RA Gaynor presented the group with a synopsis of the objectives of ICMA and the assistance ICMA can provide in forming cooperatives. TDY Mengert was called on to explain how cooperatives function in the U.S. Additionally, Mengert asked for and entertained questions from the group. Following the first day of the seminar, a small group of city officials, including the Deputy Mayor, the Head of the Housing Maintenance Organization, and the City Economist, entertained the group of ICMA representatives in an informal session during which many ideas were presented and pragmatic discussions were conducted.

The second day of the seminar was primarily for cooperative leaders. Mengert again presented material regarding the U.S. cooperative model and general information about U.S. cooperatives. Mengert conducted the presentation informally and largely in a question and answer style. Cooperative leaders from Semipalatinsk were encouraged to ask questions. Mengert responded by citing U.S. examples and presenting ideas that could be used in Semipalatinsk to deal with the problems encountered by cooperatives. TDY Mengert also presented a problem-solving technique to the group. The fact that the Soviet education model has been quite authoritative and dictatorial has discouraged people from brainstorming and evaluating multiple possible solutions to problems. While most first year business school students in the U.S. would consider the problem-solving techniques presented as elementary, the cooperative leaders in Kazakhstan seemed to embrace the concepts as a new and valuable procedure to use in approaching the many obstacles they have. TDY Mengert requested that the group present some sample problems and solutions as a way of demonstrating the technique. However, the group resisted participation. Mengert was able to provide examples, including citing the Louisburg Townhomes in Boston, Massachusetts. The group assembled was quite amused that a United States association had existed for over 100 years and still had not been able to

solve some of their problems which are also common to associations in Kazakhstan: dogs defecating in common areas and vandalism by children. The example illustrated to the group that certain problems are not solvable per se, but require ongoing attention and effort from the cooperative leaders in order to "cope with" the situation.

The Seminar participants were asked to complete a questionnaire prepared by Olga Kim to provide information regarding the current status of their cooperatives. The surveys were distributed and answered in Russian, and as of the date of this writing, are being translated.

V. PETROPAVLOVSK SEMINAR

TDY Mengert and the cooperative team flew to Petropavlovsk to conduct a seminar similar to the Semipalatinsk seminar. RA Gaynor was unavailable to attend the Petropavlovsk seminar due to conflicts created by the World Bank Land Registration Project. Again, contacts of Vladimir Konstantinovich Zhurin proved invaluable in securing necessary arrangements for transportation and appointments with local administrative officials. The original agenda, which had been developed by the advance team, called for a two-day seminar. However, upon arrival in Petropavlovsk, the city administration officials requested that the agenda be amended to allow the ICMA team to meet informally with city officials, city housing officials, and the Deputy Mayor on the first day and with cooperative leaders on the second day. The change in the agenda was not actually optional because the cooperative officials had not been notified to attend any of the events planned for the first day. TDY Mengert and the cooperative team met with the city officials on the first day as requested. On the second day, the meeting convened in the auditorium of the Communist Workers Party Headquarters. Over 110 persons associated with cooperatives were present. Based on a show of hands, the vast majority of those present were leaders of recently formed cooperatives. Petropavlovsk reports that 96 cooperatives have completed the registration process. Following presentations by Vladimir Konstantinovich Zhurin and city administration officials, TDY Mengert was called on to present general information about U.S. cooperatives. In order to focus on issues of concern by cooperative leaders present, Mengert encouraged questions, some of which were taken verbally and others were encouraged to put questions in writing to be answered after the break. Based on the lack of group participation in Semipalatinsk, TDY Mengert felt that some people who had questions would be more comfortable submitting them anonymously in writing.

Numerous questions were submitted in writing and were addressed following the intermission. Questions focused on how situations are handled in the United States as well as the equity, or lack thereof, in turning over to homeowners buildings with substantial deferred maintenance. Other questions regarded possible approaches in negotiating with utility services, collecting fees, pet problems, and emergency maintenance services.

Mengert used these as examples to lead into the problem-solving techniques. For this seminar, the ICMA group improved the problem-solving model by adding overhead slides and clear cut

examples. Following the presentation of problem-solving techniques, the group adjourned for break, and handouts were made available. Many seminar participants requested that the overhead slides used by Mengert be displayed during the break so that they could make further notes.

ICMA sponsored a lunch for the seminar participants at an approximate cost of 50 USD per person, which provided an opportunity for informal discussions, both with the ICMA representatives and among various cooperative leaders from Petropavlovsk who were attending the seminar. Following the luncheon, Olga Kim and Vladimir, as well as Vladimir Konstantinovich Zhurin, led the participants through an exercise during which the group was broken into smaller sections and given an opportunity to utilize the problem-solving techniques, as well as to examine budgeting issues and other challenges which face associations. Each group was led by one of the ICMA staff members and then a workshop participant from each group was asked to present the findings of their group to the other workshop participants.

VI. BISHKEK, KYRGYZSTAN

TDY Mengert met with RA Beard. The plan to motivate the organizing of cooperatives was discussed. Mengert suggested that Kyrgyzstan follow the basic approach which is being successfully implemented in Kazakhstan. Beard noted that certain differences between Kyrgyzstan and Kazakhstan would require modifications to the program. Mengert worked on many of the needed modifications while in Bishkek. As of this writing, RA Beard is in the process of having the materials translated to Russian.

TDY Mengert was able to meet with several city and republic housing administrative officials while in Bishkek. These included V. Malyshev, Head of Housing Operations; R. Agarina, Housing Union; E. Abdykadyrov, Director of Communal Services for Kyrgyzstan; L. Saginbayeu, Deputy Governor of Osh Region; and A. Zaripov, Chairman of Kryghzzhylykommunsouz.

Mengert discussed the following benefits of forming cooperatives:

- They will improve living conditions.
- Nobody is going to work to improve the condition of the buildings other than the residents.
- The residents will be able to get more for their money by efficiently managing their affairs.
- The residents can determine their own wants, needs and desires and act on them accordingly.
- They will increase the value of the property.
- The cooperative will serve to organize the residents to better deal with various problems they face. The Municipal Housing Agencies are currently paying substantially more for maintenance than the residents are paying; organizing cooperatives should ultimately save the municipal organizations money.

All of the officials were very receptive to the ICMA program which Mengert outlined. The Minister of Communal Housing indicated that he was interested in hosting an ICMA seminar for administrative officials from multiple *oblasts* in June. ICMA officials will train these leaders with a program similar to the one conducted in Almaty in December.

VII. RECOMMENDATIONS

Organizing cooperatives is a valuable and worthwhile activity. TDY Mengert and RA Gaynor discussed implementing the following new programs:

- Training Seminars in a Box - The seminar format will consist of slides, talking points and a script in order that a non-expert could conduct the seminar. It is further envisioned that a workbook and study guide will accompany the program for the participants. ICMA will easily be able to provide these "Seminars in a Box" to municipalities and/or groups of cooperatives from time to time. Three topics are currently planned:
 - a. Organizing Cooperatives
 - b. Cooperative Problem Solving
 - c. Contracting for Cooperative Maintenance
- Association of Cooperatives - An organization, similar to the Community Associations Institute which serves as a trade association in the United States for associations, is planned. It is hoped that this organization can and will function on first the local level and later nationally. The organization will be able to provide support and training materials to the cooperatives and their leaders. Gaynor and Mengert approached Project Counterpart and the Soros Foundation for possible seed money for the Association of Cooperatives. Ideally, the Association of Cooperative offices could have a computer, modem and copier.
- Continue to Support Municipal Officials - The City leaders have been very instrumental in helping to form cooperatives. It is recommended that ICMA continue the efforts with city and *oblast* officials, and consider expanding the program to include other areas. The "Seminars in a Box" should make it easier to access remote areas.
- Cooperative Newsletter - ICMA staff member, Olga Kim, suggested creating a newsletter that would initially be published quarterly by ICMA for persons involved in forming and operating cooperatives. The newsletter will serve to disseminate and share information, motivate volunteers, and keep various cooperatives and municipalities up-to-date on progress in forming and operating cooperatives in other areas.

The work accomplished to date proves that the cooperative organization program is viable. In fact, it yields an immediate democratic experience while helping to contribute to a better quality of life for building residents. As discussed, many obstacles should be expected based on the local business protocol, but it is strongly recommended that the program continue.

VIII. CONCLUSIONS

It is an understatement to say that housing in Kazakhstan and Kyrgyzstan faces major problems. In both Republics, the buildings generally have an enormous amount of deferred maintenance, and by even the most minimal western standards, there is a general lack of day-to-day care of almost all residential buildings. The common areas of many, if not most buildings, are dirty, unsanitary, not lighted or poorly lighted at night. These conditions are coupled with general economic despair and the lack of financial resources at all levels. Add the fact that most citizens believe that they were "better off" under communism, as one person summarized the housing situation in Kazakhstan and Kyrgyzstan.

The task of organizing and improving the vast number of residential buildings is of paramount importance to achieve goals consistent with democracy. The condition of one's housing is one of the most visible and tangible gauges of economic level. Forming cooperatives achieves several short-term goals:

- Helps to establish mini democracies;
- Empowers citizens to improve their own living conditions;
- Removes, often archaic bureaucracy from the housing maintenance process;
- Residents are able to determine wants and desires; and
- Creates accountability for money spent.

It is also important to recognize that forming cooperatives will not immediately solve some of the major residential issues the republics face, including:

- Shortage of heating;
- Deferred and capital maintenance;
- Housing subsidy issues; and
- Similar difficulties.

Enormous obstacles exist, ranging from virtually no trade credit and a precarious banking system, to a lack of qualified maintenance contractors. Nevertheless, residents and buildings will be in an enhanced position to handle their difficulties once such cooperatives are organized. In virtually all respects, apartment owners working together as a group (cooperative) will be able to accomplish more than individual residents. Encouraging progress in terms of common area cleanliness and accountability has been noted in buildings which have formed cooperatives.

Cover Letter

Date

Dear :

We are pleased to confirm our mutual understandings regarding the assistance ICMA can provide in reference to forming condominiums.

The following materials are attached:

1. Proposed City/Oblast Agreement of Participation;
2. Informational booklet about *A New Way of Owning, Managing and Maintaining Housing*;
3. A draft time table of programs, and
4. A copy of the *Guide to the Formation of Condominiums*.

The officials from ICMA look forward to working with you. After your review these materials we welcome your comments and suggestions.

Kindly,

xxxxxx

Timetable

1995

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
		Prepare Agreement	Sign Aid Memoire Apply for NGO Grants	Plan first seminar Ad-vertising	Cities appoint liaisons Conduct municipal training	Conduct Condo leaders training	Monitor results Establish local offices	Second Condo leaders training	Monitor results	First Annual Meeting of The Condo Assoc.	Monitor results

1996

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Monitor results	Monitor results	Third Condo training seminar	Monitor results	Monitor results	Forth Condo training seminar	Monitor results	Monitor results	Fifth Condo training seminar	Monitor results	Second Annual Meeting of The Condo Assoc	Monitor results

Task:

- Secure "Aid Memoire" with major sponsoring Agencies
- Recruit and hire Housing Specialists staff person to work with TDY Mengert
- Prepare packet of materials on program in English and Russian to be sent to cities and Oblasts
- Distribute packages
- Secure names of liaison person(s)
- Apply for NGO grants from Soros and others

Aid Memoire - Bishkek, Kyrgyzstan

20 March 1995

This Memoire represents a preliminary agreement between the Kyrgyz Republic State Union of the Enterprises of Housing and Communal Services (Kyrgyz Services) and the International City/County Managers Association (ICMA), concerning the cooperation on training municipal officials and condominium leaders. The parties agree to work together in the manner outlined below.

Kyrgyz Services will:

- Support the ICMA program as outlined herein and on the attached;
- Enact proper and necessary resolutions;
- Provide facilities as may be required from time to time;
- Co-sponsor training programs;
- Designate coordinators; and
- Encourage Oblasts and municipalities to sign the attached resolution.

ICMA will:

- Provide support as indicated in the attached Resolution;
- Provide technical assistance and training;
- Assist and cooperate with a review of the legalities involved;
- Arrange opportunities to visit Kazakhstan and/or other Republics with condominium programs; and
- Offer other assistance as may be mutually agreed to from time to time.

It is understood that decisions outside the control of either party may make it impossible to carry out parts of this agreement. But both parties agree to use their best efforts to enact the envisioned programs.

Kyrgyz Republic State Union ...

ICMA

Attachments

JOINT PROGRAM OF USAID/ICMA, CITY OR OBLAST ADMINISTRATION, AND KYRGYZSTAN REPUBLIC STATE UNION OF THE ENTERPRISES OF HOUSING AND COMMUNAL SERVICES

TO ENCOURAGE THE FORMATION OF CONDOMINIUMS

AGREEMENT OF PARTICIPATION

By signing below, the undersigned, on behalf of the City of _____,
agrees to participate in the joint USAID/ICMA, program to encourage the formation of resident
condominiums to assume responsibility for management and maintenance of privatized residential
buildings.

The City or Oblast of _____ agrees to participate in the
program, as it is described herein. As part of its participation in the program, the City of
_____ will fulfill the following conditions:

1. The City administration will nominate 4-6 participants for the workshop-seminar to be
held in _____ on _____, 1995. The participants should meet the
requirements listed in the attached memorandum. The City administration will provide
ICMA with the names and brief descriptions of the proposed participants by no later than
_____ 1995. The descriptions will include information about each nominee's
educational and employment background, current position and length of time in current
position. (ICMA will reimburse the City or Oblast administration for a) travel and (b)

hotel expenses for the participants and will provide some food or a small sum of money to each participant for food.)

2. The City administration will recruit 1-2 persons for the resident liaison position described herein. The City administration recognizes the importance of the resident liaison position to the success of the program and will attempt to nominate highly motivated, energetic, friendly and competent persons, capable of working with and assisting residents. Some experience with housing, teaching, and media relations is desirable.
3. The City or Oblast administration will use its best efforts to provide the legal basis for the implementation of the program, including adoption of all local resolutions and regulations necessary to make the process of formation and the procedure of registration of resident condominiums as simple as possible. To further encourage residents to form associations, the City Administration will waive all registration fees normally required to register a condominium association and assist the condominiums in opening bank accounts.
4. The City or Oblast administration will conduct an aggressive advertising campaign in printed media and on radio and television to attract resident participation in the program. ICMA will supply written information and a video tape production providing information.
5. The City administration will adopt at least two of the following incentives to encourage resident participation:
 - provide a significant discount on fees charged to condominiums for utilities for at least two years from the date of registration of the condominium;
 - transfer rights to use the land parcel to the condominium;

- allow the condominium to conduct and collect rents from additional commercial uses on the land parcel (such as kiosks);
 - allocate commercial rents generated from the building(s) to the condominium;
 - allow the condominium to use basement / storage areas; or
 - any other incentive mutually agreed upon with ICMA.
6. The City or Oblast administration will provide premises, acceptable to ICMA, for seminars and meetings. ICMA will provide technical expert(s) to conduct said seminars for both municipal and condominium leaders, from time to time.
 7. The City administration will assist ICMA in making travel and lodging arrangements for ICMA personnel traveling to City. (ICMA will pay its own travel and local rates for lodging as necessary.)
 8. The City or Oblast will appoint a staff person or persons and provide office space for the Condominium Coordinator(s), who will have the responsibility to assist persons forming and operating condominium. ICMA will, on a case by case basis, attempt to locate funding for technological assistance. Such funding may include an amount to purchase a copy machine, computer and printer for the use of the newly established office.

This the ___ day of _____, 1995.

Agreed:

On behalf of the City Administration

of the City or Oblast of _____

**A GUIDE TO THE FORMATION OF A
CONDOMINIUM OF APARTMENT OWNERS**

**[DRAFT]
February, 1995**

**By
Michael E. Kucharzak
Richard Gaynor
Paul Mengert, PCAM**

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ACKNOWLEDGMENTS

This study guide could not have been developed without the research and writing that went on before by numerous individuals in several countries. Although many have contributed their knowledge and talents to help produce this training aid, a number of people and agencies have made significant contributions that warrant special recognition.

We are especially grateful to the United States Department of Housing and Urban Development for granting us permission to rely on and quote extensively from their publication Community Empowerment: A Guide To Building Strong Resident Councils, principally authored by Jacqueline Molinaro-Thompson. We also borrowed shamelessly from another ICMA report, Condominium Operations And Management Training Manual For Romania, principally authored by Carol Rabenhorst. Special thanks to:

Vladimir Zhurin, Project Director

Vladimir Belayanin, Project Coordinator

Olga Kim, Project Coordinator

Lena Manayeva, Translator

Elena Lesunina, Typist

INTRODUCTION

This study guide is intended to be used in conjunction with a training workshop on the formation of Condominiums of Apartment Owners¹ conducted by the city with technical assistance from The International City/County Management Association. The guide will provide the reader with a review of the major topics discussed in the workshop. Following the workshop, trained residents may use the study guide to pursue independent study outside of the workshop training. The guide also contains a series of study questions designed to stimulate discussion among workshop participants. The guide and the study questions may also be used by emerging Condominiums of Apartment Owners undertaking further study in the formation of a condominium with the residents of a privatized premises.

Included in the guide are exhibits of key documents necessary to register a condominium. It is important that you become familiar with these documents. If you have an attorney assisting you in the formation of your condominium you may want to have your attorney review the documents prior to their being adopted by the owners at the General Assembly.

¹The term "Condominium of Apartment Owners" is being used to describe a group of residents who come together form a legal entity and assume responsibility for managing their building. This manual adopts the phrase "Condominium of Apartment Owners." Other terms like cooperatives or owners association are sometimes used to describe such groups of residents. The information in the manual should apply regardless of which label is used.

CHAPTER I

WHY SHOULD WE FORM A CONDOMINIUM OF APARTMENT OWNERS?

Condominiums of Apartment Owners are intended to help residents of privatized housing become more involved in the decision making and management of their home. By becoming involved in the decisions affecting your home, you have more control over your family's and your communities future and gain a sense of accomplishment.

An organized condominium can make positive contributions to the larger community as well as to your building. Individual involvement also may lead to individual success and self-sufficiency. Through participation in a condominium, individual residents develop new skills and strengthen existing skills. Newly developed skills may qualify condominium members for a variety of jobs emerging in the changing economy of the Republic.

A properly formed and active Condominium of Apartment Owners can work in partnership with local government officials to help improve all aspects of community life by identifying areas needing attention and by working together to achieve better living conditions. A condominium may act as a sounding board on policy matters affecting the residents and may serve as an advocate to help communicate mutual concerns to government officials and outside agencies. An active condominium representing a number of residents is far more effective in soliciting and obtaining assistance from outside agencies than would be realized by individual residents. A condominium will be more successful than one or two individuals in working with city, town or Republic officials in improving security through better lighting of streets and public areas or improved police patrols, if needed.

It has been recognized by the Republic, the city and numerous owners who have already formed condominium that the city no longer has the resources needed to effectively manage and maintain the housing stock. By assuming the responsibility for the management and maintenance of your building, you are actively involved in protecting your most valuable asset -- your apartment. We are certain that you will discover that improving your building is the best, -- and maybe the cheapest -- investment a family can make.

Nobody is born with the knowledge necessary to successfully assume responsibility for the management of their property; however, like all skills, knowledge is acquired through study and experience. This guide, along with assistance from the government and ICMA is intended to help you develop the knowledge necessary to begin to assume the responsibilities of management of your community. You must be willing to put forth the time, hard work and commitment necessary to accomplish the task. It will not be easy. Learning how to do something for the first time is always difficult, but with your perseverance and desire to succeed, and with a sincere commitment on the part of your local government, we know you will be successful and have a better quality of life for you and your family.

WHAT IS THE FUNCTION OF THE CONDOMINIUMS OF APARTMENT OWNERS?

The model bylaws, included as Exhibit A of this Guide, state that:

The purpose for the formation of a Condominiums of Apartment Owners is to provide the appropriate maintenance of the occupied residential area, the building as a whole, and the attached land parcel, as well as to arrange for the provision of the Condominiums of Apartment Owners members with communal services, to represent and to protect their interests as consumers of communal and other services and to collaborate with governmental and non-governmental organizations for a better quality of life.

In addition to providing a legal basis for the establishment of the condominium, the bylaws delineate the roles of participants and provide a guide to the proper operation of the condominium. We will identify the key roles and provide a description of the associated duties.

WHAT IS EXPECTED OF YOU AND OTHERS INVOLVED IN THE EFFORT?

The Role Of The Local Government

The local government must be supportive of Condominiums of Apartment Owners. Your local officials have already made a commitment to the program and have attended training sessions to help them learn the skills necessary to help you. They have indicated their support of condominium by passing a resolution encouraging the formation of Condominium of Apartment Owners and establishing procedures for the recordation of newly formed condominiums, thereby establishing the legal basis for you to join your neighbors in forming a legally recognized body with specific authority and powers.

Individual local governments may chose to do more to help support emerging condominiums by providing ongoing staff assistance, meeting space, and limited professional assistance in processing the application and registration of a Condominium of Apartment Owners. In your training sessions, and through your discussions with the city, you will learn about the services, benefits and incentives that are available to you as a Condominium of Apartment Owners.

Your Role, And The Role Of The Other Residents

It is important that a Condominium of Apartment Owners is run by the residents with all of the residents having an opportunity to participate. The city can only assist the condominium, and then only if requested. Everyone involved must recognize that together, common concerns can be resolved to everyone's benefit. Trusting relationships evolve out of condominium attitudes and mutual respect for one another. Problems will arise. If their are initial problems, work to correct them quickly. Residents, the condominium leadership and the city must not fight against each other. Adversarial relationships rarely accomplish anything good. The more everyone cooperates with one another, the more that will be accomplished for the common good.

You may ask, "how can I join a Condominium of Apartment Owners?" Well, you cannot join. Once the condominium has been properly established under the law by the owners of apartments within a building or group of adjoining buildings, you automatically become a member of the condominium by being an owner of an apartment. Of course, it follows that an owner remains a member of the condominium until his or her ownership ceases. If the government still owns any apartments in the building, then the government will be a member of the Condominium representing those apartments. No one person is the condominium. The Condominium of Apartment Owners is comprised of all the owners of the apartments acting together as members of the condominium.

The Role Of The Owners In An Established Condominium of Apartment Owners

The owners acting together as the Condominiums of Apartment Owners is responsible for administering the condominium, managing the common property, approving the annual budget, and collecting monthly assessments from the apartment owners. The members of the condominium may delegate the management of the condominium to an Executive Board or may hire a property manager, or a combination of both. When the members of the condominium come together for their annual meeting to elect the Executive Board and conduct other important business of the condominium, the meeting of the owners is not referred to as a meeting of the Condominium of Apartment Owners, but is now termed a General Assembly. It is a little confusing, but think of the condominium members as a group of partners in a business, and the business is the management and maintenance of the buildings comprising the condominium. The partners will come together several times as needed to conduct routine business matters; however, major decisions, and very important matters such as approving the budget or electing the Executive Board will require a more formal gathering of the owners in what is called a General Assembly. Hopefully things will become clearer when we discuss the General Assembly in more detail, but first we will describe the role of the Executive Board.

The Role Of The Executive Board

An Executive Board is elected by the members of the condominium at the first official meeting of the condominium (the Organizational Meeting). The number of members of the Executive Board and the length of the term of office will be determined by the members and the bylaws they approved for the condominium. Only owners may serve on the Executive Board, and the candidate who receives the highest number of votes shall be named chairperson. Members of the Executive Board may only be dismissed during their term of office for cause and upon the affirmative vote of a majority of the members at a meeting of the General Assembly.

Except for powers exclusively reserved to the members in the Bylaws, the Executive Board may act on behalf of the condominium in managing and operating the condominium. The Executive Board may hire personnel or appoint other persons as it deems necessary for carrying out its responsibilities.

The chairperson of the Executive Board is your spokesperson. The chairman of the condominium may represent the condominium in executing contracts and otherwise assuming obligations on behalf of the members, and may represent the condominium against third parties, including in legal action brought by the condominium, or in legal action brought by a member to challenge a decision made by the condominium.

Role Of The General Assembly

The General Assembly is the coming together of all of the members to hold a meeting to conduct the important and necessary business of operating the condominium. The General Assembly should be convened at least once a year, but may be called more often as the business of the condominium demands. Notice of the convening of a General Assembly must be in writing, and delivered to the members at least 10 days before the General Assembly. The Meeting notice must include the date, time, and place of the meeting of the General Assembly, and an agenda of the matters to be discussed at that time. A General Assembly cannot be called unless 20 percent of the members are present to establish a quorum. Once convened, the General Assembly may be adjourned and reconvened at any time thereafter. Upon reconvening the General Assembly, the members may decide the matters included on the agenda of the first scheduled meeting regardless of whether or not a quorum of 20 percent of the membership is present. However, no new items may be added to the agenda.

To be certain that the General Assembly is representing the wishes of a majority of the members, decisions of the General Assembly shall be made by majority vote when at least 20 percent of the owners cast a vote at the General Assembly. In certain cases, an extraordinary majority is required before the General Assembly may act. The only decisions requiring a unanimous vote from 100 percent of the apartment votes are: (1) the modification of the Cooperation Agreement; (2) the dissolution of the condominium, and the sale of the entire condominium property. A unanimous vote from 75 percent of the apartment votes is required for (1) the pledging of the entire condominium property as security for a loan or mortgage; and, (2) major renovation of the common property or installation of major equipment.

Each apartment is entitled to one vote. The vote cannot be divided if there is more than one owner of an apartment. If only one owner of a jointly owned apartment is present at a General Assembly, then that person shall be entitled to cast the vote for the apartment. If more than one owner of an apartment is present, the owners shall determine among themselves what their position is and how their vote shall be cast. The vote shall be cast only in accordance with the unanimous agreement of the co-owners, whose consent shall be presumed to have been given if any one of the co-owners purports to cast the votes without protest being made to the presiding officer of the General Assembly by any other co-owner. If an owner owns more than one apartment within the Condominium, then that owner is entitled to one vote for each apartment owned.

If an owner is unable to attend a meeting of the General Assembly the owner may select a proxy to cast the vote. Proxy votes must be presented to the presiding officer of the General Assembly prior to the commencement of the meeting. A proxy must be in writing and dated, and must be executed by or on behalf of all co-owners of the apartment for which the vote is to be cast. A proxy shall be revocable only upon actual notice to the presiding officer of the General Assembly, and shall terminate automatically upon the adjournment of the first General Assembly held on or after the date of the proxy.

Careful written records must be kept on the General Assembly. Minutes of the meetings and the decisions of the General Assembly must be put to writing and kept among the records of the condominium. The minutes of the

previous General Assembly must be approved at the next meeting of the General Assembly.

The Auditing Committee

The owners, meeting as the General Assembly, may decide to elect an Auditing Committee consisting of three owners to review the accounts of the condominium and advise the owners and the Executive Board on the financial affairs of the condominium. The Auditing Committee members term of office will be one year. The Auditing Committee must make an audit of the finances of the condominium at least once a quarter, and make a special audit either at the request of at least 20 percent of the member apartments or on its own initiative. The Executive Board must provide the Auditing Committee with any and all documents required for the committee to perform its duties. The Auditing Committee must report to the General Assembly at least once a year on the financial status of the condominium.

Other Committees

An active condominium may need to form committee to carry out different activities. Committees are effective because they are more flexible and informal than the larger group, and they are results oriented. In any organization, most of the detail work get done in committees. Most organizations have two types of committees: short-term and standing committees. A short term committee is formed to work on a specific project. If your appointed a committee to interview contractors to work on repairing the balconies, that would be a short-term committee. Once their interviews are completed and they have reported to the Executive Board, they would disband. The Audit Committee discussed above is an example of a standing committee. The committees you need and the number of people on each will be determined by the size of your condominium and how active it becomes in the lives of the resident families.

Here are some tips on committees:²

- To be effective, committees should be relatively small. Not every owner has to serve on a committee.
 - Owners volunteering to serve on committees must be certain they have the time necessary for the task.
 - Each committee should be headed by a chairperson reporting to the Chairperson of the Executive Committee.
 - The committee chairperson, or another person designated by the chairperson should report on committee activities at the meetings of the Executive Board and the General Assembly.
- Any decisions and recommendations made by the committee must be placed before the membership for a vote.

²Department of Housing and Urban Development. An Operations Guide For Resident Management Condominiums: A Guide for Public Housing Residents. Washington 1990 Public Domain.

WOW! That is a lot of legal stuff to understand. You may be getting concerned about how you and your neighbors are ever going to establish a Condominium of Apartment Owners and make it work. Well it is not as complicated as all of the lawyer talk we just read. Beginning the formation of a condominium is as simple as coming together with your neighbors and talking about the benefits and responsibilities of forming a condominium. In the next chapter, we will discuss some basic steps to help you organize your building and community into a successful Condominium of Apartment Owners, but first, test your knowledge with the following questions.

STUDY QUESTIONS

Section I

1). WHAT IS A CONDOMINIUM OF APARTMENT OWNERS?

Who are the members, and describe how can you become a member of a Condominium of Apartment Owners?

What are the responsibilities of the condominium?

What is your role and the role of your neighbors in the condominium?

Discuss the role of the Executive Board. Describe how it is formed and who is the chairperson of the Board?

2). WHAT ARE THE BENEFITS OF FORMING A CONDOMINIUMS OF APARTMENT OWNERS?

Discuss how a Condominium of Apartment Owners would improve the livability of your apartment community.

How would the larger community, the neighborhood and the city, benefit by the formation of a Condominium of Apartment Owners?

3). WHAT ASSISTANCE COULD WE GET FROM THE CITY TO HELP US FORM A CONDOMINIUM?

What type of help do I think we will need from the city in order to inform my neighbors about the Condominium of Apartment Owners program?

Will my city offer incentives to owners who form a condominium? If so, what are they?

4). WHAT IS THE GENERAL ASSEMBLY?

Discuss who makes up the General Assembly, what is the minimum number of meetings that must be held each year?

How are meeting notices given?

If your condominium had 100 apartments, how many apartment votes would have to support routine issues coming before the General Assembly?

How many apartment votes would have to support: (1) the modification of the Cooperation Agreement, (2) the dissolution of the condominium and the sale of the property held in common. How many apartment votes would have to support: (1) the pledging of the entire property as security for a loan or mortgage, (2) the renovation of the common property or installation of major equipment?

CHAPTER II

HOW TO ORGANIZE

An organization is a group of people working together for a common goal. When people come together to work on a common concern or purpose, they develop the power to make positive changes and contributions to the common good. Organizing is learning how to join strengths and talents to make our community a better place in which to live. You do not have to have hundreds of people to make changes. A small group of people who share the same interests or concerns can make a tremendous difference in a community. Help in forming your organization is available to you from your local government. Staff persons have been trained to help you organize your community into a Condominium of Apartment Owners. We will also provide you with some basic ideas and an understanding of some techniques that have been successful elsewhere, and may work for you.³

Where To Start?

The first step is to determine what issues and concerns are most important to the whole housing community in which you live. Although everybody likes something about where they live, it is usually the problems that are the major issues that will bring the community together in hopes of finding a solution. We cannot tell you what the concerns are, and remember, the concerns must be identified as those of a number of the residents, not just your concerns. The best way to find out what the main concerns of your neighbors are is to conduct a survey. Already we are establishing some work tasks that are beyond the capabilities of one person. Hopefully, you have identified a core group of interested neighbors who would like to form a Condominium of Apartment Owners and will help you interview your other neighbors. How you engage your neighbors in conversation to discuss their concerns and their interest in forming a Condominium of Apartment Owners is a matter of your personal choice and comfort level. You could distribute a written questionnaire that your neighbors could complete on their own and return; you could go door to door and engage them in conversation and in so doing complete the questionnaire; you could call them on the telephone; or use any combination depending on the size of your community and the amount of time you and your core group members have to devote to this task. The survey will help you find out what concerns people have. You may want to ask your neighbors to rank their concerns in order of importance because everything cannot be done at once. Among the questions you should ask are:

- What is important to them?
- What needs do they have which are not being met?
- What do they think a condominium should work on?
- What type of activities would they be interested in?
- What do they want from the condominium?
- How are they willing to help, if at all?
- What are three assets of the community? (This will help your condominium emphasize the positive aspects of the community.)

³Kahn, Si Organizing: A Guide for Grassroots Leaders. New York: McGraw, 1982. In Community Empowerment: A Guide To Building Strong Resident Councils, U.S. Department Of Housing And Urban Development, Pittsburgh, Pennsylvania

The second step is to find out what help is available to assist you. The local government Condominiums of Apartment Owners staff person will be able to help you understand the legal steps necessary to form your condominium. It will be very helpful to talk to members of other established condominiums and determine how they formed their community. The local government office for housing condominiums should be able to provide you with the names of established condominiums. When you contact other associations, ask:

- How they surveyed their community
- How they organized a council and the residents
- What were some of their stumbling blocks
- What they are doing now

Using The Survey Material

Prioritize the survey responses identifying what the majority of the people on the council want to work on first. Your goal is to establish a Condominium of Apartment Owners but the best way to enlist the support of your neighbors is to ask what is important to them, listen to what they say, and focus on their concerns as you move closer to establishing the condominium. The survey will also allow you to identify residents who are interested in helping form the condominium and serve in a leadership capacity.

How To Recruit Members

Getting people to commit to the development of the condominium is your next step. Remember, not everyone will be ready to join and support your efforts to establish a Condominium of Apartment Owners. Some will be skeptical and may never fully support the concept of the condominium. If you are able to get them to attend the organizational meeting, hopefully, the presence of your neighbors who support the condominium concept will help persuade them to participate. Also remember that not everyone who chooses to support the condominium program will commit the time to serve as an officer, or even be actively present in the meetings of the owners. If you have 20 percent of the apartments involved in the meeting, you are doing well. Remember, when you have important business to conduct you will need over 50 percent of the owners to vote, and in some instances over 80 percent must participate in the voting. The same techniques you used in completing the survey will help you in recruiting participants:

- Knock on doors
- Call them on the telephone
- Distribute flyers or
- A combination of recruiting methods

The best way to contact your neighbors is with a personal visit to their door. A personal contact shows that the material you wish to discuss is important and that you care enough about their involvement to make a personal call. Again, enlist the help of other neighbors in making the contacts. Start with the people you know will be receptive to the formation of a Condominium of Apartment Owners. They will make your first contacts easier and will give you some practice for contacting neighbors you do not know as well, or who will need additional convincing.

Your contacts may go something like this:

Good Evening. I am Vera Barisavich. I live in apartment 16 and I am talking to people in our building about forming a Condominium of Apartment Owners to improve the maintenance of our building and protect our property. May I have a few minutes of your time to get your opinion on a few topics of importance to all of us.

Give people time to think about what you are telling them. Do not pressure people to "join". If they seem cautious invite them to a informational meeting. Be certain to have the meeting date, time and place set in advance so you can leave a flyer with the meeting information.

When someone shows an interest in what you are describing, be positive in your comments, making a special effort to talk about the benefits of the Condominium of Apartment Owners model of management. Discuss the main problems that the survey identified as the primary concerns of the residents.

Being positive about the benefits of the condominium and specific about the expectations may lead you to say something like this:

We are forming a Condominium of Apartment Owners to improve the maintenance of the stairwells and yards. We want to organize ourselves in order to get the money we are now paying to the city maintenance office and use it ourselves to clean and fix things around here. We know we can do a better job. Will you come to our informational meeting to be held in apartment 24 at 7:00 p.m. on Monday April 4. We need your comments and suggestions.

When making your contacts, it is important that you keep in mind the following suggestions:

- Be certain to introduce yourself and identify yourself as one of the owners in the community.
- Be polite. If they do not have time to talk to you, thank them for the time they have given and commit to calling back at a later time.
- Be yourself. You are just talking neighbor to neighbor.
- Know your subject. Practice your contact techniques on your family and friends.
- Talk about one thing at a time. Do not overwhelm them with too much information.
- Give the person a chance to get into the conversation

- Know when to listen and when to talk
- Do not make promises you cannot keep
- If you do not know the answer to a question, say so and try to find the answer and get back to them
- Do not gossip about other neighbors.
- Leave information about the condominium and the informational meeting before you leave
- Thank them for their time and hospitality⁴

⁴Kahn, Si; and Dunsing, Richard J: Organizing And Facilitating Skills. U.S. Department Of Housing And Urban Development. Public Domain. As stated in Community Empowerment, HUD.

STUDY QUESTIONS

Section II

- 1). WHO IN YOUR BUILDING OR GROUP OF BUILDINGS WOULD YOU INCLUDE IN YOUR CORE GROUP TO FORM A CONDOMINIUM OF APARTMENT OWNERS?

What talents or strengths does this person have that prompted you to select the person for the core group?

What are the talents and strengths that you have that would be helpful to the Condominium?

- 2). DESCRIBE HOW YOU WOULD BEGIN CONTACTING THE APARTMENT OWNERS AND INFORMING THEM ABOUT THE CONDOMINIUM OF APARTMENT OWNERS PROGRAM.

What techniques do you believe would work best in your building?

If you were being surveyed, how would you react? Would you invite the surveyor into your apartment? Would you prefer a telephone conversation or a personal visit?

If you were conducting the survey how would you prepare for the owner visits?

How would you conduct your survey of the owners in your building? Describe in detail the time of day and the process you would use in conducting the interview. Start with the initial knock on the door to the close of the interview.

- 3). WHAT QUESTIONS WOULD YOU INCLUDE IN A QUESTIONNAIRE TO BE USED IN INTERVIEWING YOUR NEIGHBORS?

How many questions do you believe should be included on the questionnaire?

How long should an interview discussion take?

What written information about the Condominium Of Apartment Owners Program do you want to leave with the owner? Should this include information about the informational meeting?

- 4). WHAT INFORMATION ARE YOU HOPING TO GAIN FROM THE QUESTIONNAIRE AND OWNER INTERVIEWS?

CHAPTER III

HOW TO FORM A CONDOMINIUM OF APARTMENT OWNERS

This section will provide a summary of some of the key topics we have covered so far. Your decision to include each step will be determined by the size of your community, the amount of knowledge they already have about Condominiums of Apartment Owners, and the support you have from other residents and the city.

Here are the key steps:

1. IDENTIFY THE CORE LEADERSHIP

Talk to the owners you know are interested in forming a Condominium of Apartment Owners. This group will form your core leadership. Their commitment and time will be essential to the success of the formation of the condominium.

2. DEVELOP A QUESTIONNAIRE

Include questions to solicit your neighbors' comments on what they like about their community and what they would like to change. Ask questions that will help you determine how much they already know about Condominiums of Apartment Owners, and a few non-threatening questions about their willingness to be actively involved in helping form and operate a condominium.

3. MEET WITH THE CORE TEAM

Establish a date, time and place for the informational meeting. Give yourselves enough time to contact the neighbors, conduct the questionnaire interviews, and make follow-up contacts. Begin to develop an agenda for the informational meeting, and a tentative date for the organizational meeting. Determine if you are going to invite guests such as city representatives or ICMA staff to speak at the informational meeting. Make the preliminary arrangements.

4. PUBLICIZE YOUR ORGANIZATIONAL EFFORTS

Use flyers, letters placed in mail boxes, and personal contacts with people you already know and socialize with who live within the community. If your city has used the publicity video on local television, reference the video in your publicity material to let your neighbors know that they are a part of a larger program.

5. CONDUCT THE DOOR TO DOOR QUESTIONNAIRE INTERVIEWS

Use the friendly neighbor techniques we discussed earlier. Try to record the responses just as they were given to you. Be certain that the core team reviews the responses and uses the data to help establish short and long term goals for the condominium. Use the questionnaire responses to identify additional leaders.

6. HOLD THE INFORMATIONAL MEETING

Start the meeting on time, limit the agenda to the basic topics that must be discussed, encourage and illicit a commitment to participate from the attendees, and announce the date, time and

place for the Organizational Meeting for the condominium. Try to hold your meeting down to one or at the most, two hours.

7. CONDUCT THE ORGANIZATIONAL MEETING

Be prepared. Have the model bylaws ready for review and adoption. Have enough copies for everyone to review. Know how to conduct an election of officers. Have a description of each office and the duties of the officer. Determine if guests will be in attendance to help answer questions about the Condominium of Apartment Owners, especially its legal status and the proper method of establishing and recording the condominium. If no one from the city will be in attendance, have a letter of explanation and support available to distribute or read aloud.

Adopt the bylaws. Elect the Executive Board. The member receiving the largest number of votes is the chairperson. Establish any standing committees identified in the bylaws. Agree on a procedure for conveying the adopted bylaws to the city for proper recordation. Establish a date for the next General Assembly, or a special meeting of the condominiums.

CHAPTER IV

HOW TO RUN SUCCESSFUL MEETINGS

Most people do not like to go to meetings. Not only are we too busy, many meetings are boring and not very productive. But if properly planned and properly conducted, meetings can be productive and helpful. In this section, we will give you some ideas on how to plan, advertise and conduct a productive meeting to help you form your Condominium of Apartment Owners.

Meetings do not run themselves -- they are managed. We had all attended meetings that have not been properly managed, and it is frustrating and a waste of time. But a properly trained meeting manager will keep things focused and moving along. A good meeting manager will also make certain people are encouraged to participate and will take care to assure that all who wish to speak are given the opportunity to be heard.

Tips For Planning Your Meeting

If you have a reason to call a meeting, you have the beginning of an agenda and a meeting plan. Meetings are more likely to go smoothly if someone takes the time to plan.

Some of the tips to remember as you plan your meeting are:

- Have an Agenda, a reason to meet and a list of the items to be accomplished at the meeting. Write out the agenda ahead of time and, if possible, have enough copies to give one to each person attending the meeting or enough copies for people to share.
- Select a Time for the meeting that will assure the best attendance. Keep in mind the work schedules of the people you are hoping to attract. Be mindful of conflicts. Scheduling your meeting when some other major event is going on will limit attendance. Check to make certain you have not scheduled your meeting when a favorite television program like "Santa Barbara" is being aired.
- Select a Meeting Place that is easy to get to, and adequate for the number of people you hope will attend.
- Keep a Record of the Meeting. Arrange to have someone present to take minutes of the meeting. If you have elected or appointed a secretary, that person would be responsible for keeping the record. In the absence of a recording secretary, the chairperson may appoint someone to take the minutes. Try to make the arrangements ahead of time. Taking minutes of an actively moving meeting is not an easy job, and a person appointed at the last moment may not be mentally prepared to concentrate on the actions taking place and will not provide the record you and the members need for your organization. Establishing the record of the meeting does not mean you have to write down everything everybody says. Some recording secretaries are very talented and can do just that; however, what must be recorded is the movement from one agenda item to the next, and a record of any votes or decisions during the meeting.

If your group will require a follow-up meeting, make arrangements ahead of time for the meeting place, and the date and time of the next meeting so that you can announce the next meeting before you adjourn the current meeting.

Chairing The Meeting

The meeting should be conducted (chaired) by the chairperson of the Executive Board, or in his or her absence, the person designated by the chairperson to conduct the meeting. The chairperson opens the meeting and helps move the membership through the agenda items finally bringing the meeting to a close. As a facilitator or leader of the meeting, the chairperson is not necessarily the main person on the agenda for the meeting. Perhaps the main purpose for the meeting is to hear a presentation from the city representative on the formation of the Condominium of Apartment Owners, or perhaps the main speaker on the agenda is the chair of the financing subcommittee. It is not important whether the chairperson is the main speaker on the agenda or on the agenda at all. What is important is that the chairperson is capable of maintaining order in the meeting, keeping the participants on focus and moving forward through the agenda.

Be A Good Timekeeper

Start your meeting on time. Late comers to a meeting will learn to come on time for the next meeting if you demonstrate that you are punctual and respect that others have arrived on time and are prepared, like you, to get on with the business at hand. Be mindful of the agenda. Try to estimate how much time to allow for each agenda item. Encourage open discussion, but when it is apparent that no new material is being offered, move on to the next item on the agenda. As a leader you are expected to stay with the established agenda. It is also your responsibility to assure that the participants also stay with the agenda. Some people will try to dominate a meeting. Do not be rude, but tactfully let them know that you are in charge and are moving the meeting to another person or topic. This need to tactfully bring focus back to the meeting and get everyone back on the topic is an art that must be developed in order to be an effective chairperson.

Dealing With Troublemakers

Troublemakers are everywhere, and it will not be surprising to have some in your meeting as well. If someone is disturbing the meeting or is speaking very negatively, the chairperson should take charge, address the person directly and let the person know that they are to stop their actions. Being sensitive to a person's feelings is important; however, it is more important to be concerned about the feelings of all the others present who may become upset by the actions of one person who is allowed to be disruptive. Meetings should be run in a fair and a democratic manner, therefore, criticism and minority opinions should be heard and debated. However, once the concerns are expressed, the responsibilities of the chairperson is to move the meeting forward according to the wishes of the majority.

How Will I Know When To End

The time to end the meeting is when your and the other people have nothing more to say, and the important agenda items have all been addressed. Unfortunately, we do not always know when we have nothing more to say! The chairperson should look for signs of boredom and restlessness. If people are fidgeting, or have nothing more to say, the meeting is over. If a chairperson fails to be attentive to the signals the attendees are giving that they are finished participating, they will move from restlessness to anger, defensiveness and hostility. People resent being held at a meeting that not going anywhere. Remember, you are trying to build rapport. Do not try to do too much at any one meeting, or you may not have anyone attending the next meeting you call.

Try to end with the membership in a positive mood. The close of a meeting is often the most remembered part of any meeting. When the group is having good feelings about what is going on, and you have completed your tasks, close the meeting. Introducing another topic or idea may bring the euphoria crashing down and leave the attendees with a negative feeling about the whole meeting.

Conduct A Post-Mortum

Now that the meeting is over, take some time to review what was accomplished, what went well, and what could be improved upon. A chairperson asking others to critique the meeting just chaired is not a comfortable thing to do. The people being asked to comment on the meeting will also find it difficult to tell the chairperson what must be said, especially if things did not go well, or if the chairperson was part of the problem. A chairperson is a title worn by a person when serving in the leadership role of the Condominium. Comments for improvement are not personal, and are only being made to help the chairperson fulfilled the role that is being played in the organization. All owners are involved for the same reason, to establish a successful Condominium of Apartment Owners. Favorable and not so favorable suggestions for improvement are only being made with that mutual goal in mind.

Follow Through

Review your notes and the notes of the recording secretary to identify items that you and others agreed to look into or report on at the next meeting. Nothing will kill participation in future meetings than agreements to do something that are not followed through as promised. It is obvious that care should be taken to not promise or commit to do something that you are incapable or unwilling to complete. A lifetime of broken promises can be turned around by one promise fulfilled.

STUDY QUESTIONS

Section IV.

1). YOUR CORE GROUP HAS COMPLETED YOUR APARTMENT VISITS AND CONDUCTED A SURVEY. YOU ARE NOW READY TO CALL THE OWNERS TOGETHER FOR THE ORGANIZATIONAL MEETING.

Describe where, and when you would recommend holding the meeting. Be specific as to the day of the week and the hour of the meeting.

2). YOU HAVE ESTABLISHED YOUR CONDOMINIUM AND HAVE HAD YOUR ORGANIZATIONAL MEETING. THE OWNERS ARE NOW MEETING FOR THEIR SECOND MEETING. YOU ARE THE CHAIRPERSON FOR THE MEETING.

Discuss the order of the meeting that you have set forth in your agenda. Start with the roll call and end with the adjournment, adding any items of business that you would like to have considered.

CHAPTER V.

FINANCING YOUR CONDOMINIUM

Where Does The Money Come From?

Once you have formed and properly registered your condominium, you have the legal authority to open a bank account in the name of the condominium, and you will be given the legal stamps to operate your condominium as a legitimate business under the laws of the Republic. Perhaps the most important benefit accruing to a properly registered condominium is your ability to collect the fees formerly paid by the apartment owners to the State Housing Concern or the local housing maintenance concern. The owners, acting together as the condominium will then determine if additional money is to be assessed for maintenance, or if special assessment should be levied to fund major repair and improvement projects. The decisions as to how to spend the funds collected will also be determined by the owners. In this chapter, we will provide the basic knowledge you will need to properly account for the income and expenditures of the condominium. To further assist you in your record keeping duties, we have provided some sample forms for your use.

The Fiscal Year And The Annual Budget

As a new year begins, most of us wonder what will be in store for us. Although we are unable to look into the future of our own lives, we must think about and plan for the certainties and prepare ourselves to deal with unexpected problems that may cause us to spend money paying for things we had not anticipated. Likewise, we know that problems in the management of our condominium will arise we must prepare for them by estimating our income and expenses for the fiscal year. The resulting plan, or budget, will help you look into the future of your organization to help you determine if you are going to have enough money to pay for known expenditures and to determine if you will have to set some money aside for major repair and replacement projects to be done in the future.

When the owners come together for the organizational meeting, they will determine the fiscal year (financial year) for the condominium. Most businesses use the calendar year as the fiscal year. However, some agencies may find it more convenient to use a different continuous twelve month period as the fiscal year. We recommend that the condominium designate the calendar year as the fiscal year. This will require that you start your record of financial transactions on the first day of January each year, and close the records (books) on the last day of December.

Condominiums of Apartment Owners are new, and few people have any experience in the private management of apartment buildings. As a result, it will be difficult for your condominium to accurately budget for your first year of operation. What you will discover is that budgeting is a time consuming task that will require you to start the process early on and to monitor your actual income and expenses for your current year in order to better plan for your next year budget. It is recommended that you start the budget process 60 days before the end of your fiscal year. This will require that the owners, began the work on next years budget in November of the

current year. After your condominium has been in operation for a few years, you will gain enough experience and accurate records to enable you to develop accurate budgets. However, you cannot postpone this important task. Start your budget process early enough to assure that a draft budget is ready for consideration by General Assembly 30 days prior (October 31) to the end of the fiscal year. If the owners meeting as the General Assembly fail to approve the budget, the power of approval is transferred to the Executive Board; however, the Board cannot approve a budget containing annual expenditures that exceed corresponding expenditures from the previous year by more than 20 percent.

Expenses can be expected to increase each year as the effects of taxes, wage and management costs rise in response to inflation. Demands for additional repairs and improvements will also increase the need for larger reserves.

Projecting Income

Your condominium will have several sources of income, which may include the following:

- Regular Assessment Income Under this income category you will record all of the monthly payments you will receive from the owners. The amount of the monthly assessment will be determined by the owners at the annual General Assembly. Initially, the monthly assessment will be the same as the management fee paid to the city maintenance administration.
- Interest Income The money you have on deposit in the bank account established for the condominium will earn interest. By first anticipating the deposits you will make to your reserves bank account, and knowing the interest paid by the bank, you will be able to accurately project interest income for the coming year. Account for your interest separately from other income received.
- Special Assessments If at a General Assembly, the owners have established some special capital projects and levied the special assessments that they will pay to fund the projects, it will be necessary to create a separate account category for the funds. It is not necessary to open a special account, but the revenue collected should be accounted for separate from other income received. If it is easier for you to keep the funds separate by opening a separate bank account, you should get the approval of the Executive Board and do so. Estimating the pro rata share for special capital projects is not very difficult. Once the owners have established the special project, and the date for completion, determine the appropriate monthly share of the cost each owner must pay. Your task becomes the completion of some simple mathematical calculations. The first step is to divide the cost of the project by the amount of time from approval to project completion and in so doing, determine how much money will have to be deposited into the bank each month so that at the time the project is begun, sufficient funds are available to complete the project. Once you have determined the amount of money you will have to deposit monthly, the second step is to determine the prorated share that must be paid by each owner so that the revenue schedule can be met. If each apartment has an equal share of the cost, the calculation is a matter of dividing the total monthly

revenue needed by the number of apartment apartments. If the owners have approved several special capital projects, you would follow the allocation process set forth above for each project. You do not have to open separate accounts for each capital project, but you must maintain accurate ledger accounts for each capital project that accounts for the revenue assessed and received toward each of the approved capital projects.

- Special Revenue Revenues that may come to the association in an irregular manner are difficult to estimate, however, for budgeting purposes, you should try to estimate how much income might be received for such non routine revenues such as late fees charged against owners who are delinquent in their monthly payments to the condominium. Irregular sources of income such as this are called non recurring income. One time revenues such as that which might be realized through the sale of an apartment owned by the condominium should be classified as non recurring. Special one-time-grants received from the government would be classified as non recurring if they are paid in one payment. If payments would be made in a number of fixed installments over a set period of time, they would be recurring. An example would be income from commercial rents that will be made monthly to the condominium.

Each owner must pay the allocated share of assessments. If owners do not pay the condominium the assessments it needs to operate, it will be forced to spend time and resources to collect from the delinquent owners. If the condominium does not have the money it needs to manage the premises it will be forced to cut back on maintenance and services. If revenues are not paid as scheduled and the condominium is forced to curtail basic maintenance and delay needed capital improvements, the condition of the property will deteriorate and may cause the value of the property and your investment to decline.

Projecting Expenses

It will be difficult to predict expenses until you gain additional experience in operating your apartment building. However, it will be necessary to begin to estimate operating costs to meet the basic maintenance tasks and to establish repair and replacement goals. As stated earlier, the maintenance projects to be undertaken by the condominium must be determined by the owners, however, for our discussion purposes, let us look assume that the owners have decided that one of the goals is to improve the maintenance of the stairways.

The first step is to break the goal into its tasks. In our stairway example, the first task is to improve the cleanliness of the stairway by establishing a program to have the stairs swept clean every day. Our next decision is who will perform this task? Do we assign the duties to individual apartment residents on a volunteer rotational basis, or do we hire someone to perform the task for a fee. The approach we use will determine the cost for accomplishing this task that must be included in our budget. Obviously, if residents assume the stair sweeping duties as unpaid volunteers, our costs will be limited to the purchase of brooms and scoops. However, if we hire a resident or an outside person to perform this task, we must now budget for the equipment and the annual cost to pay the person to sweep the stairs daily.

In addition to a daily sweeping of the stairs, our stairway maintenance goal may also include the task of having the stairway washed down once a week. The same logic process must be undertaken to determine who will perform the task, what equipment will be required and how much will we have to budget to pay the person to fulfill this goal over a years time.

In the beginning, residents may decide to undertake certain tasks as volunteers. This will help hold down the operating costs, however, over time, volunteers can lose interest in performing the tasks, and problems may arise if some residents do not perform their responsibilities to the satisfaction of others. As you begin your deliberations on forecasting the budget expenditures for your condominium, be realistic as to what you are willing to undertake yourselves, and equally realistic as to what you can accomplish with the revenue resources you have at your disposal.

Contracting For Repairs

As you gain experience in managing your building, other maintenance goals will be established. Many of the goals will involve tasks that are beyond the skills and talents of the owners. Repairs to the building roof, foundation and facade are some of the tasks that will be difficult to undertake without the help of skilled people specializing in the needed repairs. Hiring a contractor need not be a difficult task, however, be certain to allow enough time to select the best contractor to perform the repairs. The selection of the contractor will require that you consult with a number of contractors before you make your selection. At times this may be difficult to do. Emergency repairs will require immediate response and will limit the time you have to shop around prior to committing to a contractor. In some instances, there are limited contractors available in your area that can perform the needed repairs. As more condominiums are registered, additional businesses will be established to meet the demands of more and more owners assuming the responsibility of maintaining their buildings. As you expand your maintenance goals, and explore the hiring of contractors, you will develop a business relationship with a number of honest, reliable businesses that you will come to rely upon to assist you in meeting your maintenance goals. Always remember that you are the consumer, and take the time to investigate the contractor before you commit to have the contractor perform the work. Check with others who have used the contractor to perform similar repairs. They can tell you if they were satisfied with the work. Check to see if the contractor performed the work on time and on budget. Ask if they would use the contractor again to make repairs on their buildings. As you as owner-customers become more selective in choosing contractors, they in turn, will have to improve their workmanship and hold down their costs so as to be more competitive.

Budgeting For Your Maintenance Goals

The current assessments for maintenance will be adequate to allow you to perform simple maintenance tasks such as the cleaning of the stairways. Major tasks, such as extensive roof repairs will require that you obtain an accurate cost estimate to complete the repairs and then present the budget to the owners for their concurrence at the General Assembly. Major repairs will usually result in a special assessment being levied by the owners against all of the apartments. Emergency repairs cannot wait for the annual budget process, and may have to be undertaken quickly to protect the residents or the property. The General Assembly should establish policies that will outline

the procedures and identify persons with the authority to commit certain repair expenditures. The policies should address the process for contracting for routine repairs, the process of selecting a contractor and the measures to be taken to correct emergency repairs.

Remember:

- Take the time to analyze the goals and break them down into individual tasks.
- Determine who will have to be hired to perform the task, and what additional costs, such as equipment, are required.
- Be certain to include all the costs necessary to perform the task in your annual budget.
- If additional revenue is needed, determine the amount of the special assessment that will have to be considered by the owners as part of the budget they will adopt at the General Assembly.
- Choose your contractor carefully. Invite several contractors to bid on your repair job. Allow time to check references. Remember you are the customer, and the contractor needs your business as much as you need the contractor's assistance.
- Develop procedures for selecting contractors including a mechanism to hire a contractor quickly to correct emergency situations.

STUDY QUESTIONS

Section V.

- 1) DESCRIBE SOME OF THE EXPENSES YOU ANTICIPATE YOUR CONDOMINIUM WILL HAVE DURING ITS FIRST YEAR OF OPERATION.

- 2) HOW MUCH MONEY, AND FROM WHAT SOURCES CAN YOU EXPECT TO RECEIVE DURING YOUR FIRST YEAR OF OPERATION.

- 3) DISCUSS SOME MAJOR REPAIR GOALS AND YOUR APPROACH TO DETERMINING THE SPECIAL ASSESSMENTS THAT WILL HAVE TO BE LEVIED TO ACCOMPLISH THEM.

- 4) DESCRIBE SOME LONG-TERM REPAIR OR IMPROVEMENT PROJECTS THAT YOU WOULD LIKE THE OWNERS TO CONSIDER. DISCUSS THE POSSIBILITY OF ESTABLISHING A SPECIAL REPAIR ACCOUNT TO FUND THIS LONG-TERM GOAL.

NOTE: These bylaws are a sample form. Each condominium will have to review them carefully and revise them to fit into individual circumstances. All blanks are to be filled-in according to the desires of the condominium.

DRAFT (December 5, 1994)

REGISTERED by the _____
City Administration

APPROVED
by the decision of
the resident management
residing at _____
Minutes #1 as of _____

**BYLAWS OF THE RESIDENT MANAGEMENT
CONDOMINIUM**

I. General Provisions

1. The resident management condominium (hereinafter referred to as RMC). was created at the initiative of the owners of privatized apartments residing at address)
_____ at the organizational meeting held on _____ 1995.
2. The purpose for formation of the RMC is to provide for the appropriate maintenance of the occupied residential area, the building as a whole, and the attached land parcel, as well as to arrange for the provision of the RMC members with communal and other services, to represent and to protect their interests as consumers of communal and other services and to collaborate with governmental and non-governmental organizations for a better quality of life.
3. The RMC in its activities shall be governed by the legislation of the Republic of Kazakhstan that regulates issues pertaining to: ownership of housing; to management and maintenance of the housing stock; the protection of consumers' rights and other issues; and by these bylaws.
4. Upon the moment of the registration of these bylaws, the RMC shall become a legal entity, have its own balance sheet, be able to conclude agreements and bear various types of responsibilities in its person, as well as to act as a plaintiff and respondent in court and in arbitration proceedings.
5. The RMC shall have its own Seal and Stamps.

6. The RMC is located at the following address:

7 The provisions of these bylaws are applicable to all present or future owners, their tenants, or any other persons who use the facilities of the condominium.

II. Power of the RMC

8. In accordance with the specified goals, the RMC shall:

- a) supervise the appropriate technical and sanitary maintenance of the residential building;
- b) independently select individual employees or a maintenance organization for maintaining the building, which may include state-owned housing maintenance agencies, repair and construction organizations, condominiums, private firms, and other economic entities, as well as make contracts for the maintenance and repair of the Premises;
- c) ensure the participation of the RMC members in all expenses connected with the management and maintenance of the building based on the relative occupied area of each apartment;
- d) ensure prompt placement of collected management and maintenance assessments in the RMC bank account;
- e) inspect and pay for maintenance and repair work in a timely manner;
- f) ensure the observance of the rules established for the use of residential premises, maintenance of residential buildings and attached land parcels by all RMC members;
- g) elect to act as utilities customer (including water, natural gas, heat, power supply, etc.); enter into contracts with companies providing these services;
- h) in cases of unsatisfactory performance, apply sanction to organizations maintaining the building, to other entities, as well as to private individuals providing their services to the RMC;
- i) be entitled to lease vacant non-residential premises to other organizations and private individuals;
- j) have the right to be engaged in commercial or other economic activities either independently or on the shared participation terms for the purposes of obtaining additional financial or physical resources to be used for the successful operation of the RMC;
- k) be engaged in any other activity aimed at protection of the rights of the apartment owners and consumer's rights.
- l) own and purchase any appliances, machinery, hardware, and other property necessary for the implementation of its goals.

III. Funds

9. The RMC funds are made up of current assessments for the management and maintenance of the building(s) and attached land parcel and also loans, credits, subsidies, voluntary donations and incomes, generated by commercial and other economic activities.

10. The assessments for the maintenance and repair of the building and the attached land parcel shall be made in the amount that will ensure all necessary expenses on the above mentioned kinds of work and services, including deductions used for the rehabilitation of the building. The amount of the assessments for the maintenance and repair of the building. The amount of the assessments shall be determined by the Executive Board based on the amount of the contracts for maintaining and repairing of privatized residential buildings and other items of income and expense.

11. The RMC annual meeting may decide to raise special funds (to be used for land improvement, for cultural, educational and recreational work, salaries and bonuses to the Executive Board)

IV. Rights and Obligations of RMC members

12. The owners of apartments within the Premises shall constitute the members of the RMC.

13. RMC members shall exercise the right to their residential premises in compliance with existing legislation.

14. An RMC member shall be entitled to:

a) to elect Executive Board and Auditing Committee members as well as to be elected to them.

b) act through a proxy by giving that proxy a power of attorney. The RMC member may, in writing, revoke the power of attorney at any time.

c) raise any question to be discussed at the General Assembly under the condition that the question was raised not later than _____ days before the date of the General Assembly.

d) dispute decisions of the Executive Board, General Assembly and Audit Committee in the state arbitration or in the court.

15. An RMC member shall be obligated to:

a) observe the requirements set in the RMC bylaws, and the decisions made by the General Assembly or meetings of the Executive Board.

b) use the premises according to its designated use, ensure its good condition and observe the rules for the use of the premises, maintenance of the building and attached land parcel;

c) make monthly payments for the maintenance and repair of the building.

16. In case of his/her temporary absence from his/her apartment, an RMC member shall keep his/her rights and obligations stipulated in these bylaws.

17. Money paid to the RMC for the repair of the building (including capital repair), as well as for other purposes, shall not be returned to the residents. Any indebtedness of the resigned RMC member shall be collected through established procedures.

18. In the event of destruction or damage to the building or grounds caused by the resident or their families or guests, as well as in cases when they systematically violate the rules of conduct, making it impossible for the other residents to reside in the same building, the residents in violation shall bear responsibility for their actions pursuant to existing legislation. Such residents shall be responsible for compensating the RMC and other residents for damages they inflict

19. Disputes arising between the RMC and its members, as well as between the RMC and governmental agencies, and other condominiums and organizations shall be settled through the established procedure.

V. Administrative Bodies

General Assembly

20. An RMC Annual meeting of its Executive Board shall be the principle meeting of the RMC.

21. The Annual meeting of the RMC members shall be of the highest RMC body. It shall be authorized to address the following issues:

a) approval of and amendments to the RMC bylaws;

b) election of the Executive Board and the Auditing Committee;

c) approval of the RMC budget, formation of RMC funds and establishing the procedures for their spending;

d) considering complaints;

e) approval of the economic and financial annual report prepared by the Executive Board, and of the economic-and-financial plan for the following year;

f) termination of the RMC;

g) other issues that are included in the RMC competence.

22. The RMC annual meeting shall be held on the _____ (first or second or third, etc.) _____ (Monday or Tuesday or Wednesday, etc.) of _____ (month) of each year. At such annual meeting, there shall be elected an Executive Board.

23. Additional RMC meeting shall be convened at the request of at least 20 percent of the RMC members or the Auditing Committee, or the Executive Board.

24. At annual meetings of the RMC members, 51 percent of the RMC members, (or their proxies) shall constitute a quorum.

25. Decisions shall be made by the annual meeting by a simple majority vote of the RMC members (or proxies) attending the meeting, with the exception the decisions on the points [20 a),e)] _____ of these bylaws, which require unanimity.

26. The agenda of the upcoming meeting shall be conveyed to the residents at least 20 days before the date of the meeting.

Executive Board

27. The RMC Executive Board shall be composed of _____ (chose an odd number of at least three) members. The length of the term for the committee is one year. The principal officers of the association shall be a chairman, a chairman's deputy, a secretary and a treasurer, all of whom shall be members of the Executive Board. The office of secretary and treasurer may be held by the same person. The chairman of the Executive Board shall be the person who receives the highest number of votes at the General Assembly. The Executive Board shall elect the chairman's deputy, treasurer and secretary from among

the other members of the Executive Board. On the basis of the decision made by the annual meeting, members of the Executive Board may either be paid for their work or perform their duties without remuneration.

28. The Executive Board shall be the executive authority of the RMC; it shall report to the RMC and the annual meeting. The Executive Board shall have the following duties:

- a) make maintenance and repair contracts, as well as conclude other agreements pertaining to RMC activities;
- b) prepare plans, budgets, and reports;
- c) monitor maintenance and repair work; observe contractual agreements on the maintenance and repair of the building.;
- d) hire workers for maintaining the building and the attached land parcel, and for setting remuneration for these workers;
- e) dispense of the RMC funds according to the budgets approved by the General Assembly;
- f) represent the interests of the RMC at governmental agencies, entities, social and other organizations;
- g) control due receipts of RMC members' assessments established by the General Assembly, as well as utility and other payments. In cases when RMC members fail to make such payments in a timely manner, the Executive Board shall take appropriate measures in order to collect these payments through the established procedure;
- h) prepare documentation, accounting and reporting; and
- i) perform other duties stipulated in the bylaws.

29. The RMC Executive Board shall be entitled to disburse the RMC funds available on its banking account in compliance with financial and other plans approved by the General Assembly.

30. Vacancies in the Executive Board caused by any reason other than the removal of a member by a vote of the condominium shall be filled by vote of the majority of the remaining members, even though they may constitute less than a quorum. Each person so elected shall be a member until a successor is elected at the next meeting of the RMC.

31. At any regular or special meeting duly called, any one or more of the members of the Executive Board may be removed with the indication of cause by the majority of the owners and a successor may then and there be elected to fill the vacancy thus created. Any member whose removal has been proposed by the owners shall be given an opportunity to be heard at the meeting.

32. The first organization meeting of the newly elected Executive Board shall be held within ten days of the election at such place as shall be fixed by the members of the committee.

33. Regular meetings of the Executive Board may be held at such time and place as shall be determined from time to time, by a majority of the members, but at least four times each calendar year.

34. Special meetings of the Executive Board may be called by the chairman on three days' notice to each member. Special meetings of the Executive Board may be called by the chairman or secretary in like manner and on like notice on the written request of at least three members.

35. At all meetings of the Executive Board, a majority of the members shall constitute a quorum for the transaction of business. The acts of the quorum shall be the acts of the Executive Board. If, at any meeting of the Executive Board, there be less than a quorum present, the members present may adjourn the meeting from time to time.

36. The chairman shall be the chief executive officer of the condominium. The chairman shall preside all meetings of the condominium and meetings of the Executive Board. The chairperson shall have all of the general powers and duties that are usually vested in the office of chairman of an association, including the power to appoint committees from among the owners to assist in the conduct of the condominium's affairs.

37. The chairman deputy shall take the place of the chairman and perform the chairman's duties whenever the chairman shall be absent or unable to act. If neither the chairman nor the chairman deputy is able to act, the Executive Board shall appoint some other member of the Executive Board to do so on an interim basis. The vice-chairman shall also perform such other duties as shall from time to time be requested by the Executive Board.

38. The secretary shall keep the minutes of all meetings of the Executive Board and minutes of all meetings of the condominium; the secretary shall have charge of such books and papers as the Executive Board may direct; and shall, in general, perform all the duties incident to the office of secretary.

39. The treasurer shall have responsibility for association funds and securities and shall be responsible for assuring that full accurate accounts of all receipt and disbursements are kept in books belonging to the condominium. The Auditing Committee shall advise and assist in carrying out the duties of the treasurer.

VI. Auditing Committee

40. The Auditing Committee shall be composed of at least three members elected at the General Assembly. The length of the term for which they shall serve shall be one year. The Auditing Committee shall be the controlling authority.

41. The Auditing Committee shall elect its chairperson. The chairperson shall be a member of the auditing committee. The auditing committee shall make an audit at least once a quarter. It shall also make an open audit either at the request of at least 20 percent of the RMC members or on its own initiative.

42. The Executive Board members are obliged to produce any RMC documents if requested by the Auditing Committee. The Auditing Committee shall be authorized to employ an outside auditor paying for this work from the RMC funds. If there are less than 20 members in the condominium, an auditor shall be selected by the General Assembly, instead of the Auditing Committee.

43. The Auditing Committee shall convey the results of the audits to the annual meeting of the condominium. The Auditing Committee submits a resolution on the results of the year ending balance and reconciliation of all accounts. Without a resolution of the Auditing Committee, the annual meeting shall not approve the annual financial balance of the RMC.

VII. Termination of the Condominium

44. The RMC may be terminated in the cases of:

a) a taking of the land parcel for public or social purposes ;

b) damage or destruction by fire, earthquake or other event of more than 50 percent of the building and a decision approved by the vote of at least 75 percent of the RMC members not to rebuild the damaged or destroyed portions of the building;

c) at the unanimous decision of the RMC members;

d) and as well as in other cases stipulated by law.

45. The assets of the RMC that remain after paying the debts of the RMC shall be distributed among the RMC members in proportion of their shares in the common property. Termination of the condominium shall be registered in the same manner as the foundation deed. Upon termination, the owners of premises may agree on some other form of ownership. If they fail to agree, they shall be deemed to own the common property as joint property, provided that they shall have exclusive right to occupy their premises.

EXHIBIT III

SAMPLE ANNUAL or SPECIAL MEETING NOTICE

17 Erkindick CONDOMINIUM

NOTICE OF MEETING

On this 20th day of December, 1994, notice is hereby given, pursuant to the Bylaws of the Condominium, that the annual (or special) meeting of members of 17 Erkindick Condominium will be held:

Date: January 15, 1995

Time: 7:00 p.m.

Place: Meeting Hall
1810 Erkindick Avenue
Bishkek

17 Erkindick Condominium

By: _____
Secretary

SAMPLE ANNUAL MEETING AGENDA

17 ERKINDICK CONDOMINIUM

AGENDA

MEMBERSHIP MEETING

January 15, 1995

- I. Calling of roll and certifying of proxies.
- II. Proof of notice of meeting or waiver of notice.
- III. Reading and approval of previous meeting minutes.
- IV. Reports of Officers.
 - A. President (General state of affairs).
 - B. Treasurer (Financial Report).
- V. Committee Reports.
 - A. Audit Committee.
 - B. Other Committees.
- VI. Appointment of election inspectors (to count votes).
- VII. Election of Executive Board.
 - A. Nominating Committee Report.
 - B. Nominations from the floor.
 - C. Introduction of nominees and remarks.
 - D. Voting.
- VIII. Unfinished Business.

A time to address the pending items from prior meetings (if any).
- IX. New Business.
 - A. Consideration of amendments to Bylaws.

B. General discussion by members

C. Approval of budget (if required).

D. Approval of new monthly fees (if required).

X. Adjournment.

SAMPLE GENERAL PROXY

17 ERKINDICK CONDOMINIUM

PROXY

January 15, 1995

GENERAL ASSEMBLY

To: Secretary
17 Erkindick Condominium
Apt 16
17 Erkindick Avenue
Bishkek

The undersigned owner hereby appoints the Secretary of the Condominium or _____, as their proxy (agent) to act on his or her behalf instead of the undersigned, and to vote as their proxy at the owner's meeting of the Condominium, to be held at Meeting Hall, January 15, 1995 at 7:00 p.m., and any adjournment thereof, according to the number of votes that the undersigned would be entitled to vote if then present upon any matters set forth in the Notice of Meeting dated December 20, 1994, a copy of which has been received by the undersigned.

This the ___ day of January, 1995.

Owner/Member

Apartment(s) number(s): _____
(or Building Address)

SAMPLE SPECIFIC INSTRUCTION PROXY

17 Erkindick Condominium

PROXY

January 15, 1995

GENERAL ASSEMBLY

TO: Secretary
17 Erkindick Condominium
Apartment 16
17 Erkindick Avenue
Bishkek

The undersigned owner hereby appoints the Secretary of the Condominium or _____, as their proxy (agent) to act on his or her behalf instead of the undersigned, and to vote as their proxy at the owner's meeting of the Condominium, to be held at _____, January 15, 1995, at 7:00 p.m., and any adjournment thereof, according to the number of votes that the undersigned would be entitled to vote if then present, but ONLY as follows:

- 1. Election of Board of Directors (vote for three).

Ivan Kapinsky

Peter Ivanovich

Maria Morat

- 2. Should the amendment to the Bylaws of 17 Erkindick Condominium amended to allow for seven (7) Directors rather than five (5) Directors?

Yes _____

No _____

Name

Signature

Dated: _____

Apartment Number _____
(and Building Address)

SAMPLE BALLOT

BALLOT

1. The following have been nominated to serve for a term of two years on the Executive Board of 17 Erkindick Condominium.

Please select THREE NAMES.

Ivan Kapinsky	_____
Peter Ivanovich	_____
Maria Morat	_____
_____	_____
_____	_____
_____	_____
_____	_____

2. Should the monthly fee be increase to 50 Som per month?

Yes _____ No _____

3. Should the Bylaws of 17 Erkindick Condominium be amended to require seven (7) Directors rather than five (5)?

Yes _____ No _____

SAMPLE ANNUAL MEETING CHECK LIST

MEMBERSHIP MEETING

PRE-MEETING CHECKLIST

- Confirm notice was mailed
- Selection of Reordering Secretary for Meeting
- Copies of Reports to be presented
- List of owners
- List nominees
- Selection of persons to count votes
- Ballots
- Flip Chart
- Check-in procedure
- Set up of room
(seating, microphones, podium, etc.)
- Copy of Bylaws

MEETING GUIDE

MEMBERSHIP MEETING CHAIRPERSON'S GUIDE

I. CALL TO ORDER:

"The 1995 Annual General Assembly of 17 Erkindick Condominium will now come to order."

"The first order of business is establishing a quorum."

II CALLING THE ROLL AND CERTIFYING THE PROXIES:

"The secretary will please call the roll" or

"The number of owners present in person and by proxy has been determined during the check-in procedure. There are 30 owners present in person and 20 owners are represented by proxy. A quorum of the Condominium is present."

III PROOF OF NOTICE:

"The secretary of the Condominium. attests that notice has been given in accordance with the Bylaws of the Condominium, has been presented to the chairman. The proof of notice shall be filed with the permanent records and is available for inspection by the members."

IV READING OF MINUTES:

"The next order of business is the reading of minutes from the previous meeting." (Mr. Popalovich will move to waive reading; Mr. Talumbyev will second.)

V. NOMINATIONS:

"The next order of business is the nominations for the board of directors."

(Recognize Mr. Ivanovich, chairperson of the nominating committee, to give the report of nominating committee.)

"The candidates recommended by the nomination Committee are:

Vera Moskovich, Irena Erlanova and Michael Petrolovich

"Are there further nominations? If there are no further nominations the asks for a motion to close nominations." (To be seconded and voted on).

VI ELECTIONS:

"Election of members to serve on the board of directors will now begin. The chairman appoints Mr. Malkov, Mr. Petroff and Mr. Yukovich as inspectors of election."

"Owners may mark their ballots and hand them to the inspectors. Owners may vote for up to three (3) candidates. Any ballot containing votes for more than three candidates will be disallowed."

(The meeting will stand in informal recess until ballots are counted. Results to be announced when meeting is reconvened.)

VII UNFINISHED BUSINESS:

"Is there unfinished business to come before the meeting?"

"Hearing none, we will move to new business."

VIII NEW BUSINESS:

(Depends on items before the Condominium)

LX ADJOURN:

"Is there any further business to come before the meeting?"

(If there is no further business, Mr. Ulitsa will move to adjourn the meeting; Mrs. Vlahovich will second.)

SAMPLE MOTIONS

SAMPLE MOTIONS

To make a motion, a member must be recognized by the Chairperson of the meeting and state the motion that the member wishes to make. Each motion should be preceded by a preface in substantially the following form:

"Mr. Chairman, I move that..."

The motion is then stated and must be seconded before it can be considered further by the meeting.

I. MAIN MOTIONS

A. Waiver of Minutes:

"I move that the reading of the minutes from the previous meeting be waived and that the minutes be accepted as presented by the secretary."

B. Waiver of Treasurer's Reports:

"I move that the reading of the Treasurer's report be waived and that the report be filed with the financial records of the Condominium for audit."

C. Adoption of Budget:

"I move that the budget recommended by the budget committee be adopted for the 1995 fiscal year of the homeowners Condominium."

D. Approval of Architectural Modifications:

"I move that the architectural modifications to the exterior of homes allow for the enclosure of balconies in accordance with the uniform standards adopted by the Executive Board."

II. SUBSIDIARY MOTIONS

A. To Amend:

"I move that the motion to allow for material modifications to the building facade be amended to allow for the enclosure of balconies."

B. Previous Question:

"I move that the previous question now be put to a vote"

or, "I move the previous question." (Debate ceases and the meeting proceeds to vote. This action requires a two-thirds vote for adoption.)

C. Postpone to a Time Certain:

"I move the consideration of the alteration of the entry door be postponed until the annual meeting of the Condominium in 1995."

D. Limit Debate:

"I move the debate be limited to three (3) minutes per person." (This action requires a two-thirds vote for adoption.)

E. Postpone Indefinitely:

"I move the consideration of the motion be indefinitely postponed."

III. INCIDENTAL MOTIONS

A. Closing Nominations:

"I move that the nominations for the board of directors now be closed."

B. Divide the Question:

"I move that the main motion be divided to allow for a separate vote on the schedule of amendments to the Bylaws and the schedule of amendments to the covenants and restrictions."

C. Waiver of the Rules:

"I move that the rules be waived and the meeting return to the unfinished business portion of the agenda." (This action requires a two-thirds vote for adoption.)

IV. PRIVILEGED AND UNCLASSIFIED MOTIONS

(Takes priority over other business at hand)

A. Adjourn at a Fixed Time:

"I move that the General Assembly adjourn at 10:30 p.m."

B. Adjourn and Reconvene:

"I move that upon tabulation of the votes on the amendments to the bylaws of Condominium, if it is determined that the extraordinary majority necessary to adopt the amendments is not present, that the meeting be adjourned until October 23, 1994, at the hour of 7:30 p.m. for purposes of obtaining the extraordinary majority. I further move that the votes present be recorded and counted at the reconvened portion of the meeting on October 23, 1994."

C. Recess:

"I move that the meeting stand in recess until the tabulation of votes has been completed."

D. Reconsideration:

"I move the motion approving the architectural modifications to the exterior of individual homes be reconsidered." (The person making the motion must have voted on the prevailing side of the original motion.)

E. Ratify Act of Board:

"I move the expenditures for the repair of the roof be ratified and approved."

SAMPLE ANNUAL MINUTES

17 ERKINDICK CONDOMINIUM

ANNUAL MEMBERSHIP MEETING MINUTES

The meeting was called to order at 7:30 p.m., Monday, January 15, 1995, at Tomiris' restaurant by the President. The President announced that the first order of business was the calling of the roll and the certifying of the proxies. Upon its completion, it was announced that 100 apartments were represented in person and 50 apartments were represented by proxy. The President declared that a quorum of the 200 apartments owned by members was present.

The President next called upon the Secretary to present the affidavit for proof of notice, and directed it to be annexed to the minutes of the meeting and made a permanent part of the Condominiums official records. The President stated that the next item of business was the reading of the minutes from the last members meeting. Upon a motion made by Mr. Vlahovich and seconded by Mr. Malkov, and upon discussion, it was unanimously carried by voice that the reading of the minutes be waived.

The next order of business was the reports of officers and committees. The President recognized the Chairperson of the Audit Committee who gave the financial report for the preceding twelve months. Upon completion of the presentation, the President directed that it be annexed to the minutes of the meeting and distributed to the membership.

Under reports of committees, the President recognized the chairman of the nominating committee, Mr. Petrolavich, who reported that the committee had nominated the following individuals to serve on the Executive Board for a term of one year:

Ivan Ivanovich
Irena Ignatowski
Boris Bukaloff

The President then asked for further nominations from the floor. The following individuals were nominated from the floor:

Natasha Nicholovich
Marta Moskovich

The President then appointed the Condominium's Vice President and Ms. Manayeva to count the ballots and directed that the members mark their ballots. The President then stated that, without objection, the meeting would stand in recess until the tabulation of the ballots was completed.

Upon reconvening the recessed meeting, the President called upon the Vice President to announce the results of the election. The Vice President then stated that the following individuals were elected to serve for a term of one year on the Board of Directors: Ivan Ivanovich and Irena Ignatowski.

The President next asked for items of unfinished business. Ms. Lesunina moved that the budget recommended by the budget committee for the coming fiscal year of the Condominium be adopted. The motion was seconded and at the conclusion of the discussions the motion was unanimously passed by a voice vote. The

President declared that the motion was adopted.

The President then stated that the next item on the agenda was consideration of new business. There being no new business to come before the meeting and no further member seeking recognition, upon a motion duly made, seconded and unanimously carried, the President stated that the meeting was adjourned at 8:30 p.m.

Secretary

SAMPLE EXECUTIVE BOARD NOTICE

17 ERKINDICK CONDOMINIUM
NOTICE OF DIRECTORS MEETING

January 10, 1995

TO: Members of the Board of Directors

Ivan Ivanovich
Peter Petrolavich
Irena Ignatowski
Yuri Moskva
Boris Bogdansky

Please be advised that a meeting of the Executive Board of 17 Erkindick Condominium, will be held January 15, 1995 at 9:00 a. m. in apartment 18, 17 Erkindick Avenue Bishkek. The meeting agenda and reports are attached. Please review them prior to the meeting.

17 ERKINDICK CONDOMINIUM

By: _____
Secretary

EXECUTIVE BOARD AGENDA

17 ERKINDICK CONDOMINIUM

AGENDA FOR REGULAR MEETING
OF THE BOARD OF DIRECTORS

The order of business for the regular meeting of the Board of Directors shall be as follows:

1. Reading of minutes of the previous meeting.
2. Report of Manager or President.
3. Report of Officers.
4. Committee Reports.
5. Unfinished business.
6. New business.
7. Comment and discussion by non-director members of the
Condominium (This is sometimes handled first as a convenience to non-directors).
7. Adjournment.

SAMPLE EXECUTIVE BOARD MINUTES

17 ERKINDICK CONDOMINIUM

MINUTES OF MEETING OF
EXECUTIVE BOARD

The meeting of the Executive Board was held on March 1, 1995, at 11:00 a.m. in apartment 18, 17 Erkindick Street. Notice of the meeting was posted on the official bulletin board forty-eight hours prior to the meeting.

The following Directors were present Ivan Ivanovich, Peter Petrolavich, Irena Ignatowski, Yuri Moskva and Boris Bogdansky. All the members of the Executive Board were present.

After the meeting was called to order, a motion was made, seconded and unanimously adopted waiving the reading of the minutes from the previous meeting. Next, the President presented a report on the bids for stairway cleaning for the coming year and recommended that the lowest bid be accepted. Upon a motion duly made, seconded, and unanimously carried, it was

RESOLVED that the bid of Always Clean Company, being the lowest bid, be accepted, and that they be directed to provide stairwell maintenance services for the Condominium for the next calendar year.

The President stated that there were no reports from other officers and no unfinished business. The President then asked if there was any new business to come before the meeting. There being no new business, the President then recognized the member owners present for comments and discussion.

Mr. Petras, apartment 22, addressed the Board regarding safety in the stairwells. The President advised that the Board would review the matter in more detail. Mrs. Malkov, apartment 36, next addressed the Board on the parking of vehicles along the main entrance area, blocking access to the building. The President directed that the Secretary notify the city and request that owners of the vehicles be given a warning.

There being no further business to come before the meeting and upon a motion duly made, seconded and unanimously carried, the President declared the same adjourned.

Date: _____
Secretary

Quick Summary of the Steps in Forming Cooperatives

- Step 1 - Meet with Governmental officials, secure their support (see city resolution), discuss advantages of cooperatives
- Step 2 - Sign City Resolution
- Step 3 - Plan and hold workshop for city leaders
- Step 4 - Establish with City a City coordinator to assist emergent cooperatives
- Step 5 - Advertise cooperative program
- Step 6 - Hold a workshop for emergent cooperative leaders
- Step 7 - Cooperatives adopt by-laws and register with City.

FORMING COOPERATIVES

Information Attached:

27 Slides

27 Overhead Slides

Facilitator's Guide

Participants Workbook

Color Copies of Slides (for small groups)



Кооперативы собственников квартир

АСМА

Банковский счет

Кооперативы собственников квартир

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Как обеспечить выполнение правил:

через влияние других жильцов (соседей)

штрафы и пени

правовое воздействие

В каких зданиях можно создавать кооперативы?

Кооперативы собственников квартир

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Регистрация



Кооперативы собственников квартир

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Принятие Устава



Кооперативы собственников квартир

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Проведение собрания:

определите время

повестка дня

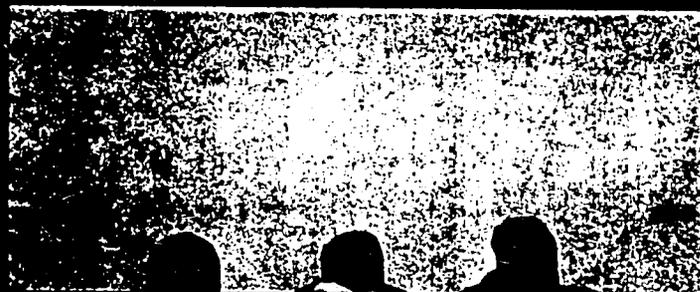
протокол

анализируйте результаты
собрания

Цели:

привлечь членов и вынести
решение о создании
кооператива;
обсудить и принять Устав;
выбрать Правление

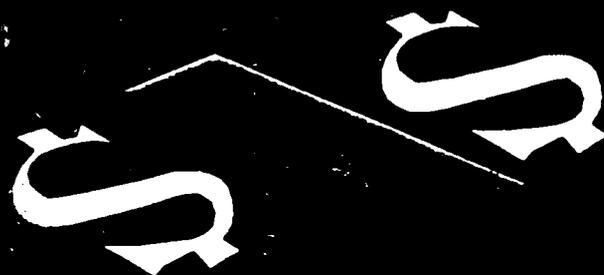
Организационное собрание



Кооперативы собственников квартир

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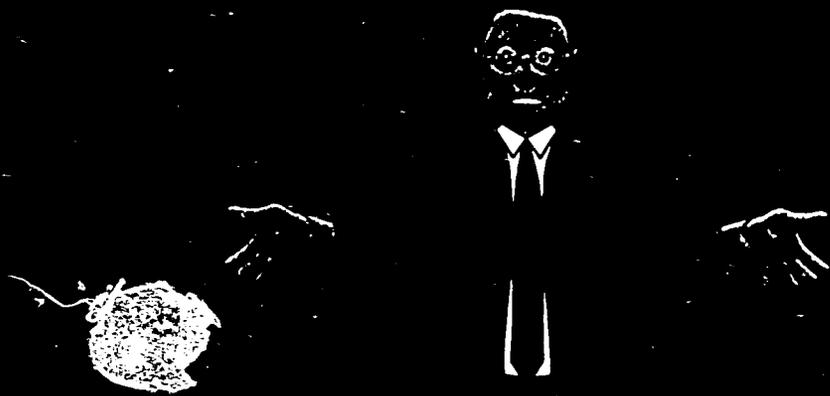
Ежемесячные сборы



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Что определяет кооператив?



Кооперативы собственников квартир

ИСМА

Обязанности городских служб



Кооперативы собственников квартир

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Обязанности кооператива

Кооперативы собственников квартир

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Обязанности жильцов

Кооперативы собственников квартир

КСМ

**Профессиональные услуги
Квалифицированные рабочие
Немные работники**

Кооперативы собственников квартир

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Профессиональный управляющий

Кооперативы собственников квартир

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Правление кооператива Председатель правления

Кооперативы собственников квартир

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Общее собрание жильцов



Кооперативы собственников квартир

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Кто является членом кооператива / кондоминиума?

Кооперативы собственников квартир

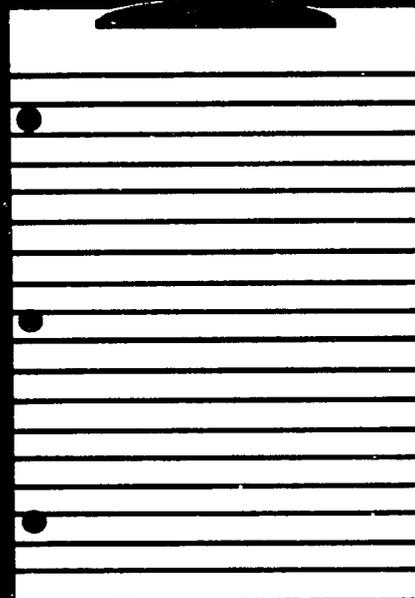
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Как работает кооператив?

Кооперативы собственников квартир

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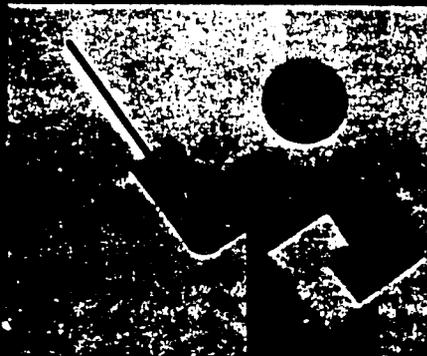
План семинара



Кооперативы собственников квартир

ИСМА

Семинар-учеба для руководителей кооперативов



Кооперативы собственников квартир

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International City Managers Association

Международная Ассоциация

Менеджеров Городов

Кооперативы собственников квартир

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Что такое КООПЕРАТИВ

Кооперативы собственников квартир

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Кооператив /кондоминиум/= ассоциация жильцов

Кооперативы собственников квартир

ICMA

Зачем создавать кооператив?

улучшить условия проживания
(никто за вас этого не сделает)
сделать больше за те же деньги
самим определить, что вам нужно
увеличить стоимость имущества
организовать жильцов

Разработать программу

льгот для кооперативов

Роль местных администраций:

предоставить льготы

поддержать лидеров

помогать в организации и обучении

нанять координаторов-посредников

упростить процесс регистрации

предоставить помещения

Forming Cooperatives

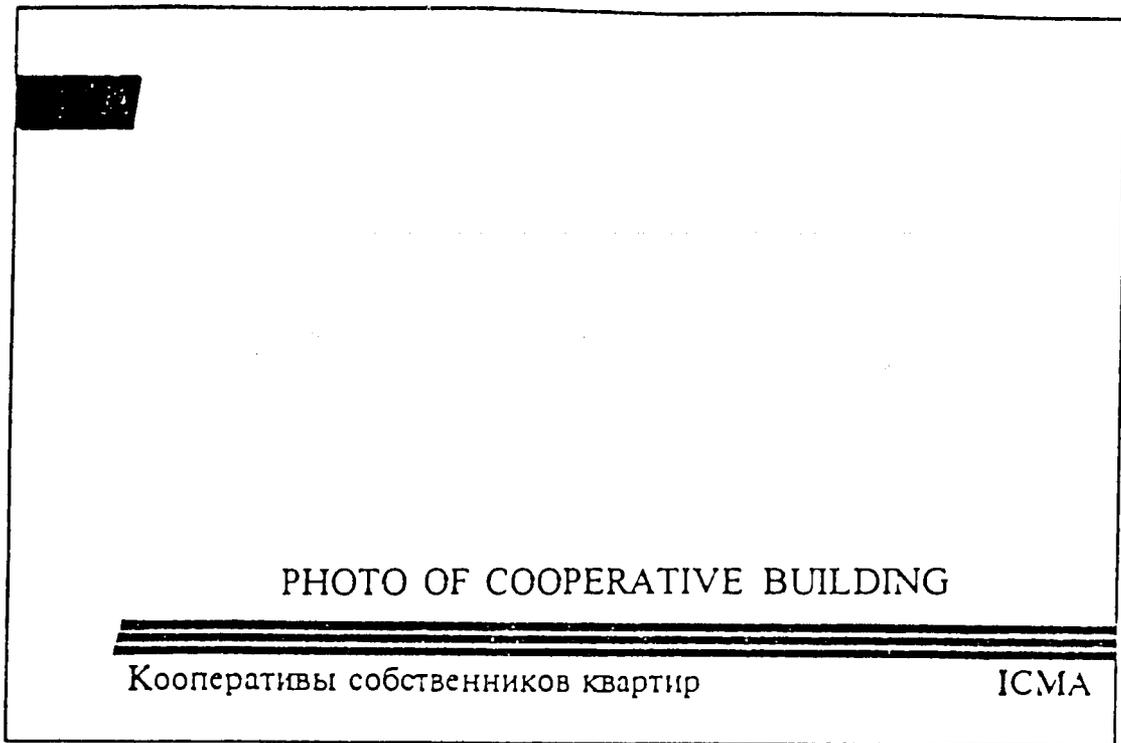
Facilitator Guide

- English Version -

Produced for ICMA by:

**Paul K. Mengert, PCAM
Richard Gaynor, Esq.**

Working Draft April 6, 1995



1. WHAT ARE THE REASONS FOR COOPERATIVES/CONDOMINIUMS?
 - OPERATE MORE EFFICIENTLY
 - LET OWNERS DETERMINE WANTS AND DESIRES
 - ENCOURAGE VOLUNTEERISM
 - NOBODY ELSE IS GOING TO MAINTAIN THE BUILDINGS

Зачем создавать кооператив?

- улучшить условия проживания
(никто за вас этого не сделает)
- сделать больше за те же деньги
- самим определить, что вам нужно
- увеличить стоимость имущества
- организовать жильцов

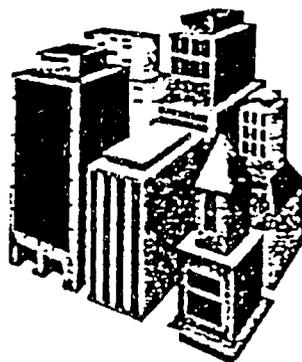
Кооперативы собственников квартир

ICMA

2. WHY FORM COOPERATIVES ?

- IMPROVE LIVING CONDITIONS
- NOBODY WILL DO IT FOR YOU
- RESIDENTS WILL GET MORE FOR THEIR MONEY
- RESIDENTS CAN DETERMINE DESIRES
- INCREASE VALUES
- ORGANIZE RESIDENTS

**Кооператив /кондоминиум/=
ассоциация жильцов**



Кооперативы собственников квартир

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3. THE WORDS CONDOMINIUM, COOPERATIVES,
AND ASSOCIATION MEAN THE SAME THING

Что такое кооператив

Кооперативы собственников квартир

ИСМА

- 4. COOPERATIVE SIMPLE DEFINITION:**
- A GROUP OF OWNERS WORKING TOGETHER TO MAINTAIN AND ENHANCE THEIR BUILDING**

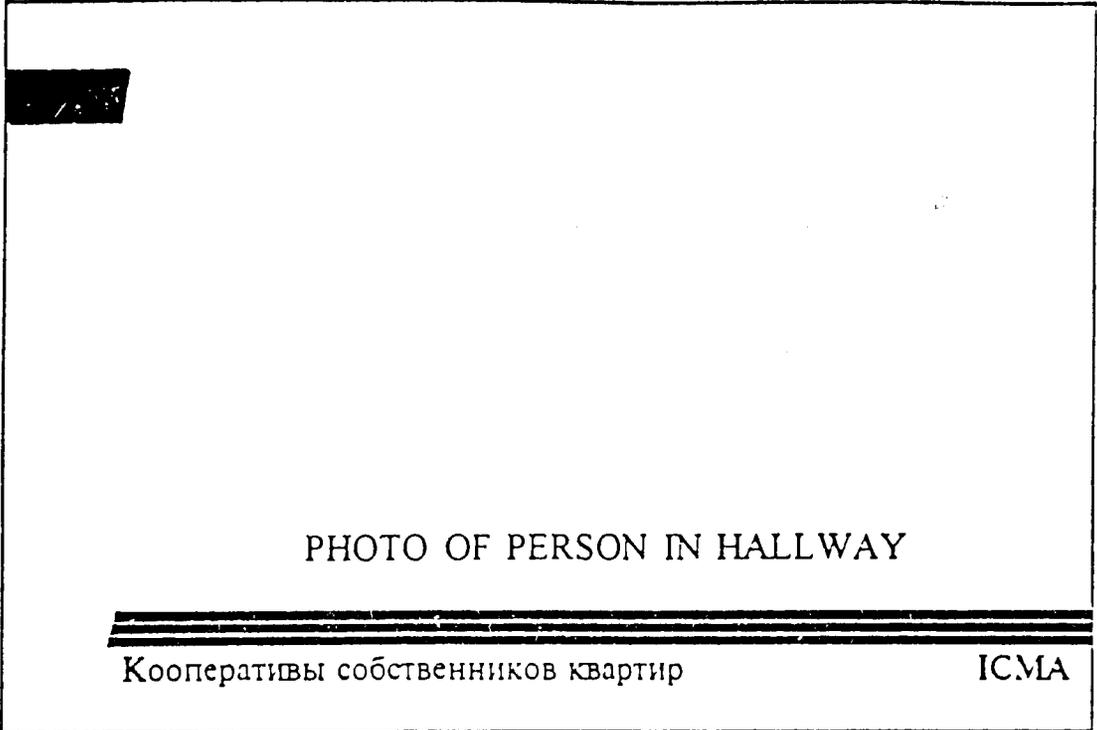
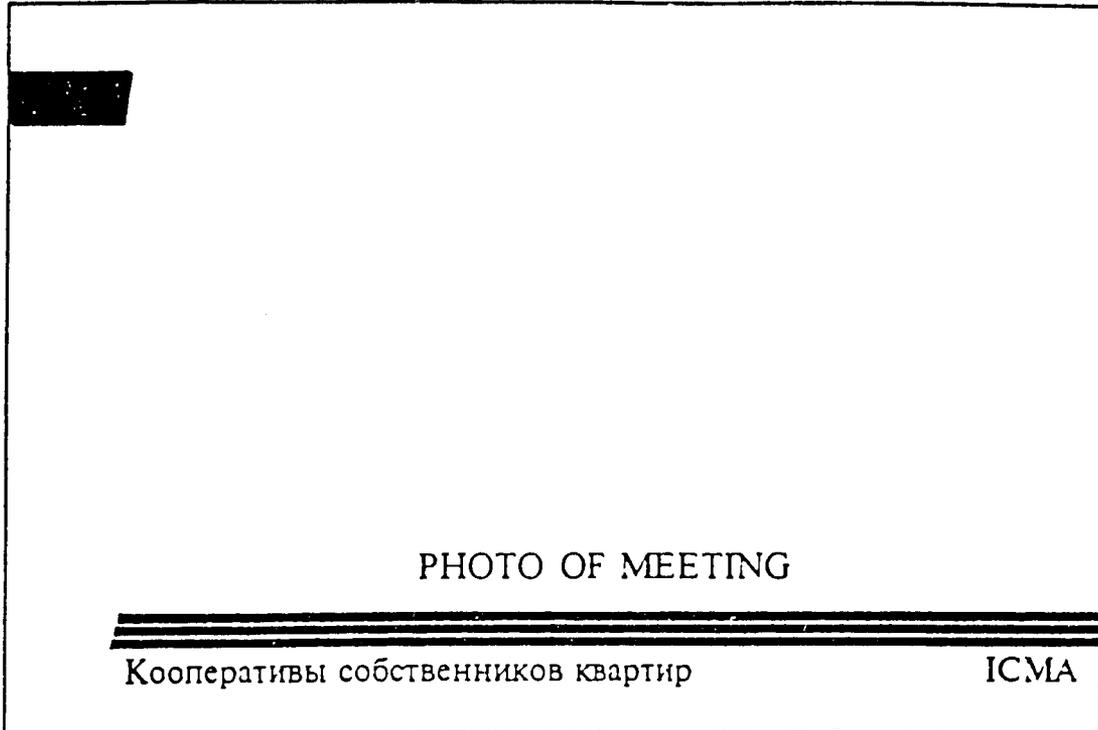


PHOTO OF PERSON IN HALLWAY

Кооперативы собственников квартир

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5. WHAT DO THE OWNERS HAVE TO DO:
- OWNERS PAY MAINTENANCE FEE
 - RESIDENTS DECIDE WHAT THEY WANT
 - THE COOPERATIVE BUYS SERVICES
 - OWNERS WORK TOGETHER
 - VOLUNTEERING SAVES MONEY
- BUT NOT REQUIRED



- 6. GOVERNMENT AND HOUSING MAINTENANCE
MUST SUPPORT THE RESIDENT COOPERATIVE
TO MAKE THEM POSSIBLE**

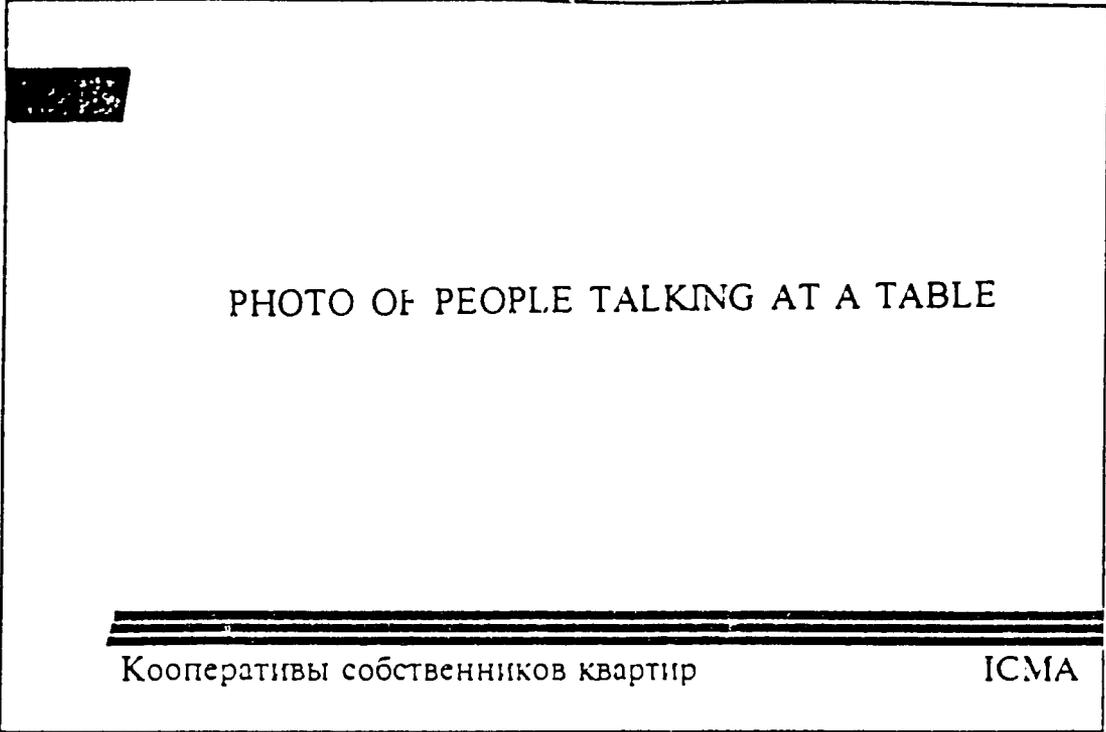


PHOTO OF PEOPLE TALKING AT A TABLE

Кооперативы собственников квартир

ICMA

7. IN MANY CASES RESIDENTS NOW PAY LESS THAN THE ACTUAL COSTS TO OPERATE THE BUILDING:

- BY RESIDENTS BECOMING INVOLVED, BUILDINGS CAN BE OPERATED MORE EFFICIENTLY AND FOR LESS COST

ICMA

- International City Managers Association
- Международная Ассоциация Менеджеров Городов

Кооперативы собственников квартир

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8.

ICMA CAN:

- **ASSIST MUNICIPAL OFFICIALS IN FORMING LOCAL PROGRAMS**
- **OFFER TRAINING WORKSHOPS TO COOPERATIVE LEADERS**
- **TECHNICAL SUPPORT**
- **HELP FORM AN ASSOCIATION OF COOPERATIVES**

Семинар-учеба для руководителей кооперативов



Кооперативы собственников квартир

ICMA

9. ICMA SEMINARS WILL HELP COOPERATIVE LEADERS LEARN HOW TO OPERATE THEIR COOPERATIVES.



PHOTO OF SEMINAR

Кооперативы собственников квартир

ICMA

10. PEOPLE ARE NOT BORN KNOWING HOW TO OPERATE COOPERATIVES:

- CERTAIN TOOLS ARE NECESSARY TO ACCOMPLISH OUR TASKS
- TRAINING MATERIALS
- COPIES OF TRAINING MATERIALS
- ADVERTISING MATERIALS

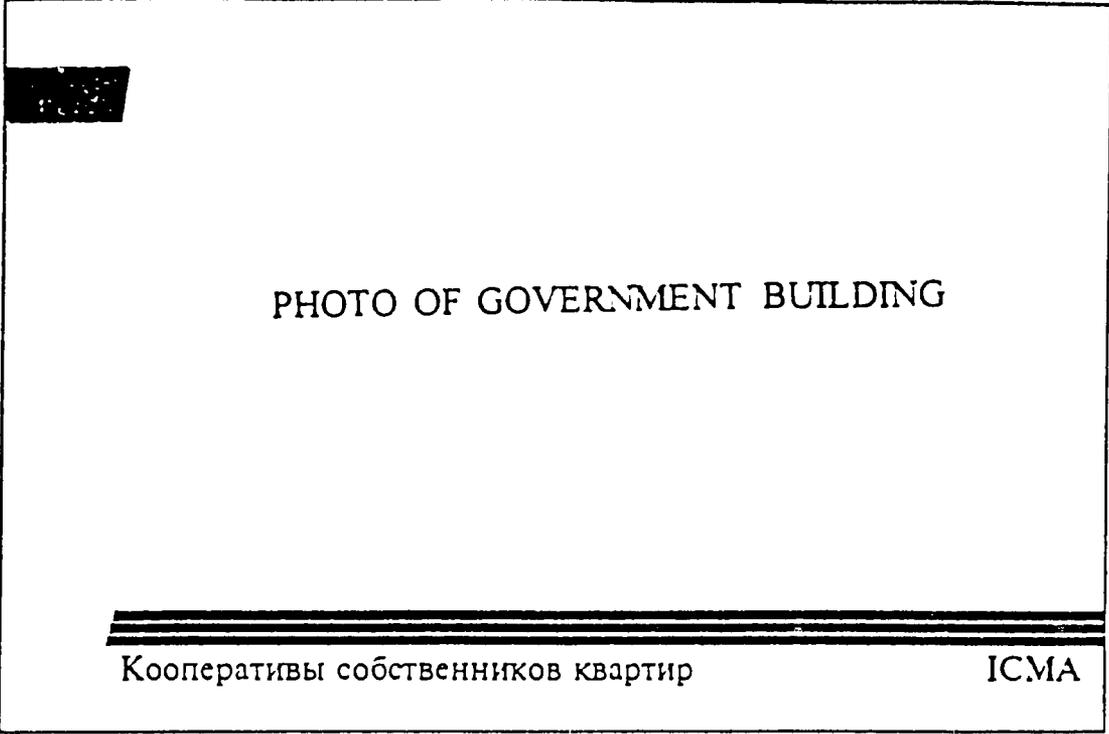


PHOTO OF GOVERNMENT BUILDING

Кооперативы собственников квартир

ICMA

11. LET ME DISCUSS THESE IN FURTHER DETAIL
RESPONSIBILITIES OF LOCAL
ADMINISTRATIONS:
- DEVELOP INCENTIVE PROGRAMS
 - RECRUIT LEADERS
 - ASSIST IN ORGANIZING TRAINING
 - APPOINT COORDINATOR (S)
 - SIMPLIFY REGISTRATION
 - CITY BUILDING

PHOTO OF COOPERATIVE BUILDING

Кооперативы собственников квартир

ICMA

12. THE MUNICIPALITIES MUST ASSIST COOPERATIVES IN FORMING, THESE ARE SOME SUGGESTIONS:
- PROVIDE SIGNIFICANT DISCOUNTS ON UTILITIES MAINTENANCE FOR 2 YEARS
 - TRANSFER RIGHTS TO LAND PARCELS
 - ALLOW COMMERCIAL ENTERPRISE BY COOPERATIVE TO RAISE MONEY
 - ALLOCATE COMMERCIAL RENTS TO COOPERATIVE
 - ALLOW COOPERATIVE TO USE BASEMENT
 - GRANTS

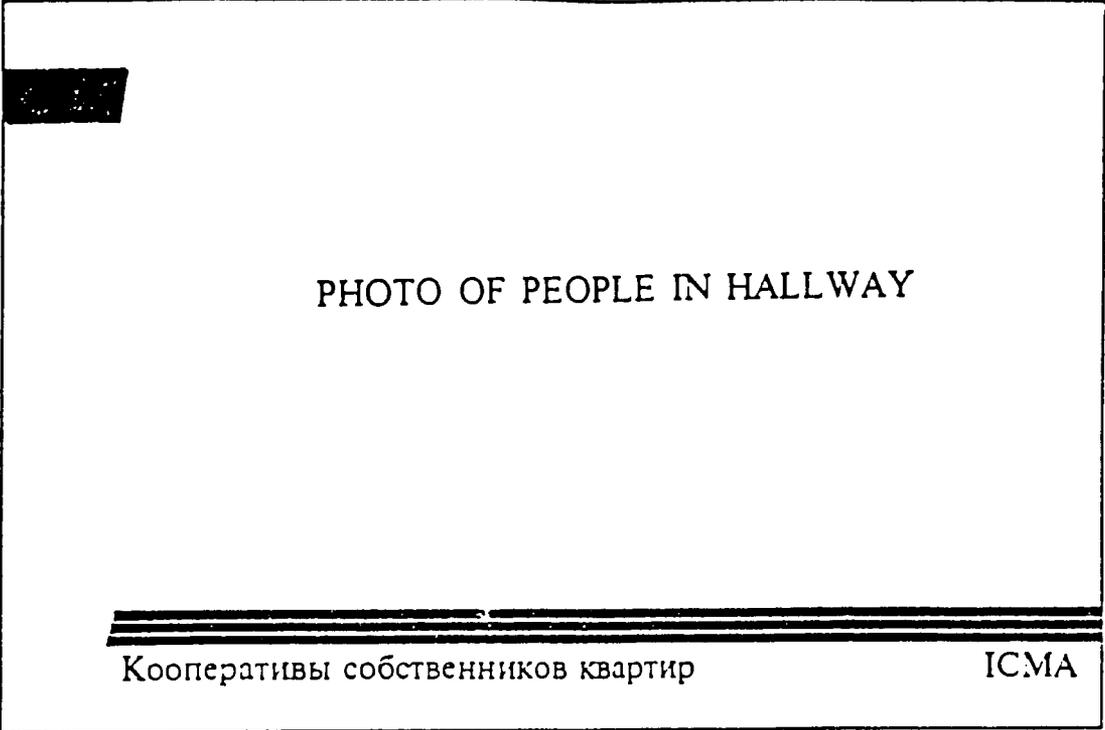


PHOTO OF PEOPLE IN HALLWAY

Кооперативы собственников квартир

ICMA

13. COOPERATIVE LEADERS MUST BE RECRUITED,

USE:

- NEWSPAPER
- RADIO
- TV
- PERSONAL MEETINGS

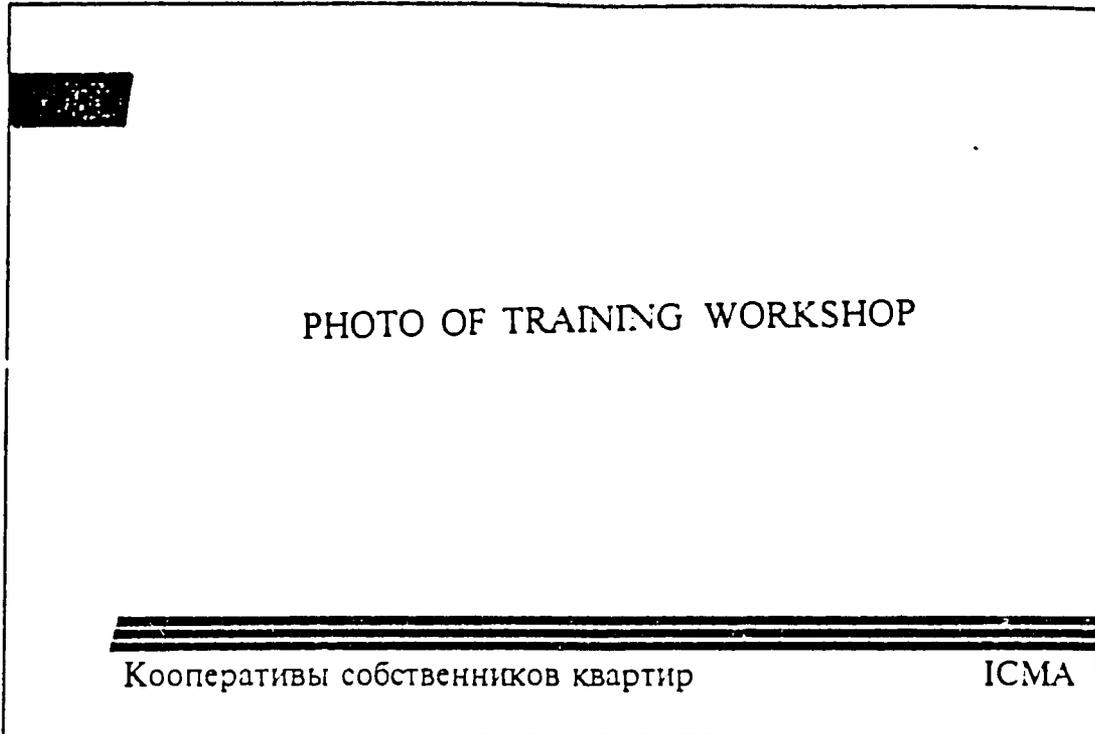


**PHOTO OF MEETING WITH NEWLY APPOINTED
COOPERATIVE COORDIATOR**

Кооперативы собственников квартир

ICMA

14. A PERSON OR PERSONS MUST BE APPOINTED TO
HELP NEW COOPERATIVE LEADERS WITH
REGISTRATION AND OTHER TASKS.



15. ASSIST IN ORGANIZING TRAINING

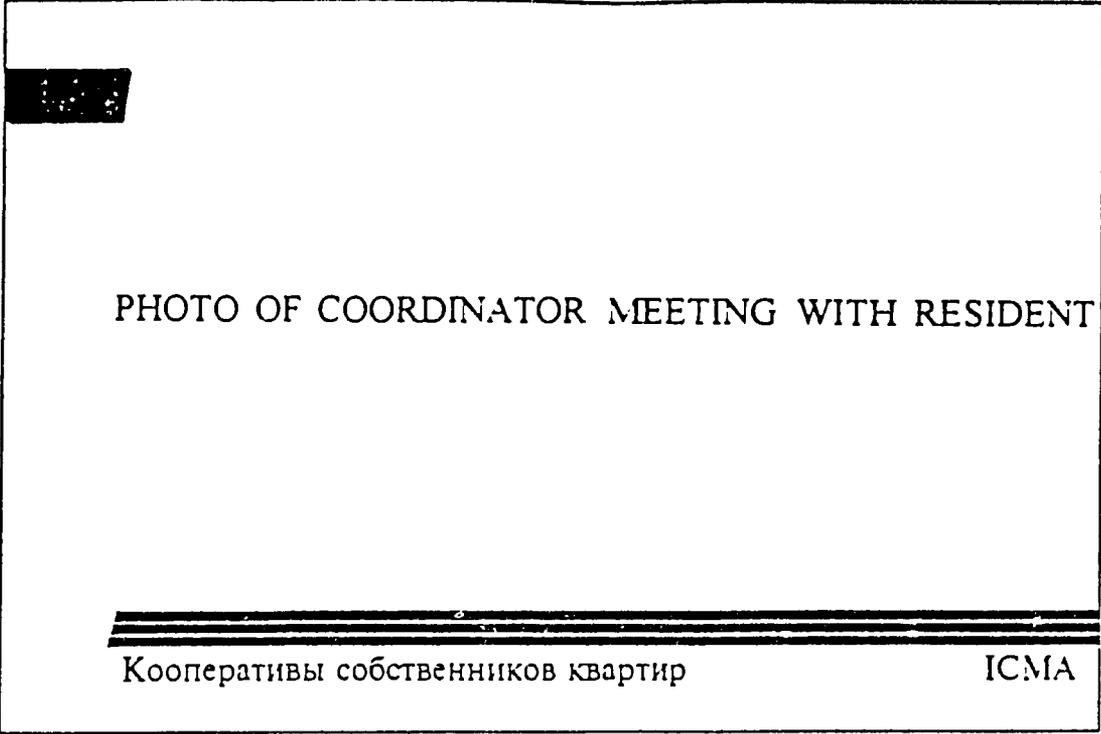


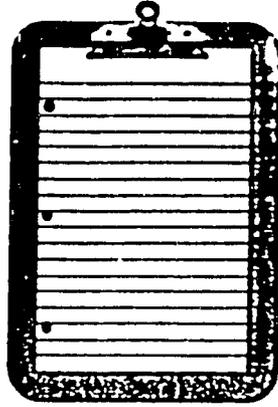
PHOTO OF COORDINATOR MEETING WITH RESIDENT

Кооперативы собственников квартир

ICMA

16. **COORDINATORS MUST BE CHOSEN TO HELP THE COOPERATIVES**

План семинара



Кооперативы собственников квартир

ИСМА

17. THE AGENDA OF THIS SEMINAR IS -



PHOTO OF TWO POTENTIAL COOPERATIVES

Кооперативы собственников квартир

ICMA

18. WHAT IS COOPERATIVE/CONDOMINIUM?

- PRIVATE, NON-PROFIT ORGANIZATION, A
MINI-DEMOCRACY

Как работает кооператив?

Кооперативы собственников квартир

ICMA

19. HOW COOPERATIVES OPERATE:
- RESIDENTS PAY FEES TO THE COOPERATIVE
 - COOPERATIVE HIRES WORKERS
 - PROVIDES SERVICES

**Кто является членом
кооператива / кондоминиума?**



Кооперативы собственников квартир

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20. ALL OWNERS OF ALL PREMISES

Общее собрание жильцов



Кооперативы собственников квартир

ICMA

21. THE GENERAL ASSEMBLY:
- ADOPTS BYLAWS
 - ELECTS EXECUTIVE BOARD
 - ADOPTS BUDGET
 - TERMINATION OF COOPERATIVE
 - OTHER ACTIONS

Правление кооператива Председатель правления



Кооперативы собственников квартир

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22. THE EXECUTIVE BOARD SETS OR ESTABLISHES:
- SHORT AND LONG-TERM MAINTENANCE POLICY
 - CONTRACTS
 - BUDGET
 - ACCOUNTING/FINANCIAL PLANNING
 - MAINTENANCE SERVICES
 - CONTROLS EMPLOYEES

Профессиональный управляющий



Кооперативы собственников квартир

ICMA

23. A PROFESSIONAL MANAGER CAN ASSIST WITH:
- MAINTENANCE SERVICES
 - BUDGET
 - CONTROLS EMPLOYEES
 - WORKS WITH CONTRACTORS
 - ACCOUNTING

**Профессиональные услуги
Квалифицированные рабочие
Немные работники**

Кооперативы собственников квартир

ICMA

24. EXPLAIN WHEN A COOPERATIVE WOULD HIRE:
- SKILLED WORKERS
 - PROFESSIONAL MANAGEMENT
 - OTHER PROFESSIONAL SERVICES
(ACCOUNTING)



25. REVIEW STRUCTURE OF COOPERATIVE
- GENERAL ASSEMBLY
 - EXECUTIVE BOARD
 - OFFICERS
 - PROFESSIONAL STAFF AND EMPLOYEES

Обязанности жильцов



Кооперативы собственников квартир

ICMA

26. RESPONSIBILITY OF COOPERATIVE MEMBERS:

- PAY FEES
- ATTEND MEETING
- SUPPORT COOPERATIVE
- VOLUNTEER (OPTIONAL)

Обязанности кооператива

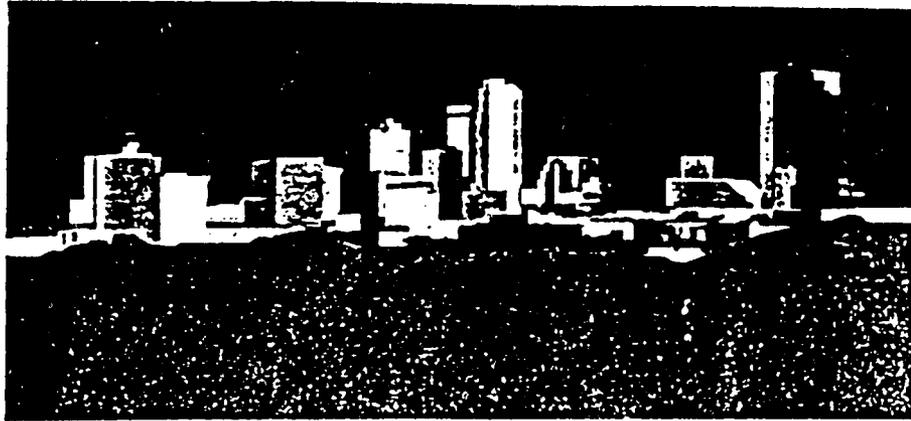


Кооперативы собственников квартир

ICMA .

27. **RESPONSIBILITY OF THE COOPERATIVE:**
- **CURRENT REPAIRS**
 - **REFUSE COLLECTION/REMOVAL**
 - **JANITORIAL SERVICE**
 - **GROUNDS KEEPING**
 - **PREVENTIVE MAINTENANCE**

Обязанности городских служб



Кооперативы собственников квартир

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28. RESPONSIBILITY OF MUNICIPALITY:
- CURRENTLY NEEDED CAPITAL REPAIRS
 - UTILITY REPAIRS
 - REFUSE PICK-UP
 - ELEVATOR MAINTENANCE

Что определяет кооператив?



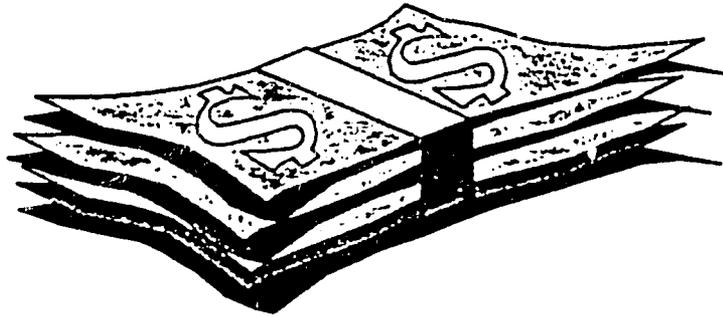
Кооперативы собственников квартир

ICMA

29. CHOICES MADE BY RESIDENTS:

- NUMBER OF RESIDENTS/APARTMENTS
- SIZE OF MONTHLY PAYMENTS
- SERVICES PROVIDED
- MEETINGS
- ESTABLISH PROCEDURES

Ежемесячные сборы



Кооперативы собственников квартир

ICMA

30. HOW MUCH WILL THE MAINTENANCE FEE BE?
- INITIALLY THE SAME, ULTIMATELY SET BY COOPERATIVE
 - AS WITH MOST THINGS MOST FEES WILL GO UP OVER TIME

Организационное собрание



Кооперативы собственников квартир

ICMA

31. ORGANIZING THE MEETINGS:

- SET GOALS
- MAKE PREPARATIONS IN ADVANCE OF THE MEETING
- CONDUCTING MEETING

Цели:

- привлечь членов и вынести решение о создании кооператива;
- обсудить и принять Устав;
- выбрать Правление

32. THE GOAL OF THE ORGANIZATIONAL MEETING:
- RECRUIT MEMBERS AND DECIDE ON CREATING A COOPERATIVE
 - ELECT EXECUTIVE BOARD
 - ELECT CHAIRPERSON (MAY BE BY EXECUTIVE BOARD)
 - DISCUSS/ADOPT BYLAWS

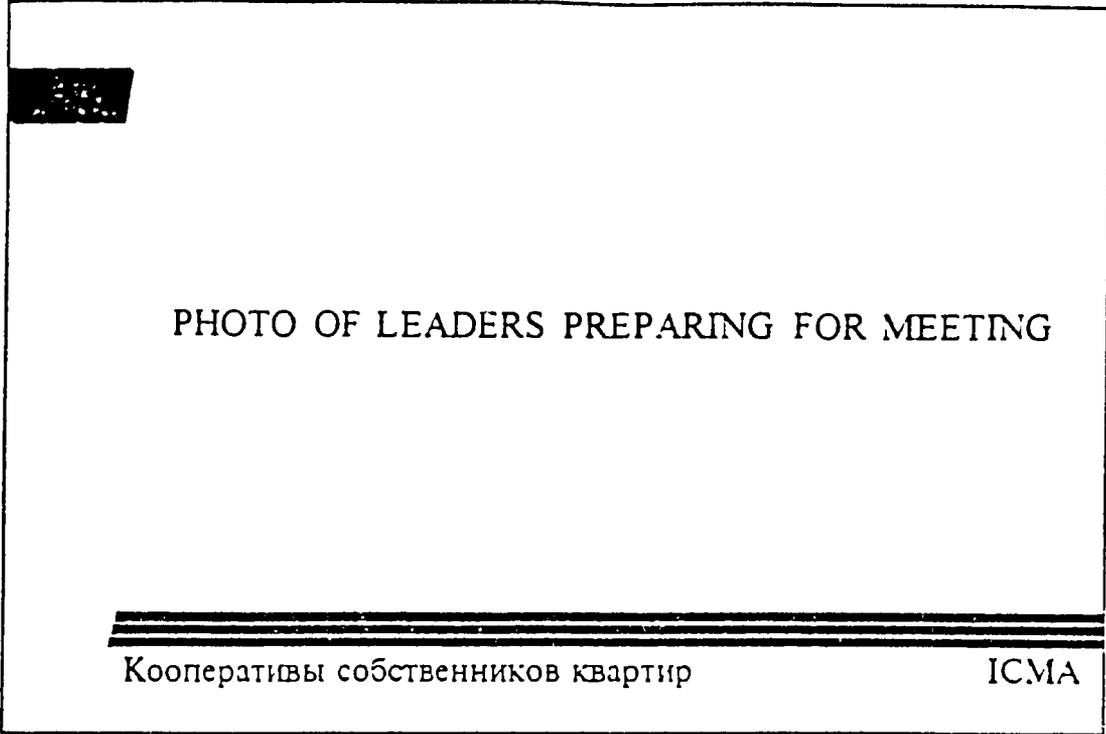


PHOTO OF LEADERS PREPARING FOR MEETING

Кооперативы собственников квартир

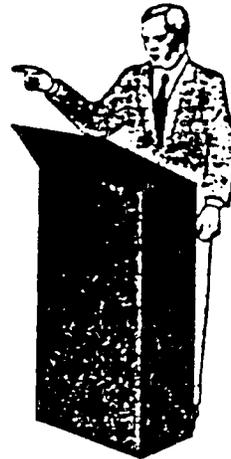
ICMA

33. PREPARATION OF THE MEETING:

- INFORM RESIDENTS
- PLAN THE AGENDA
- PREPARE DOCUMENTS
- SET TIME AND PLACE

Проведение собрания:

- определите время
- повестка дня
- протокол
- анализируйте результаты собрания



Кооперативы собственников квартир

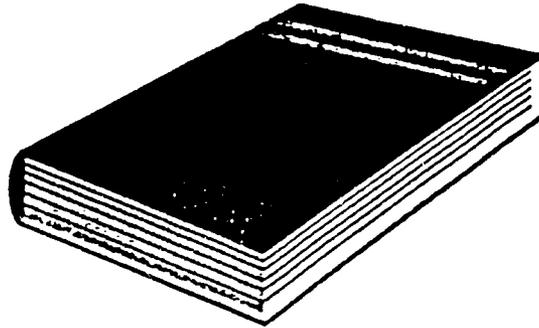
ICMA

34.

CONDUCTING A MEETING:

- PLAN THE TIME
- KEEP TO THE AGENDA
- MINUTES
- ANALYZE THE RESULTS

Принятие Устава



Кооперативы собственников квартир

ICMA

35.

DISCUSS:

- STATUS OF BYLAWS
- WHY IT'S IMPORTANT TO TAKE A TIME FOR UNDERSTANDING AND DISCUSSION

Регистрация



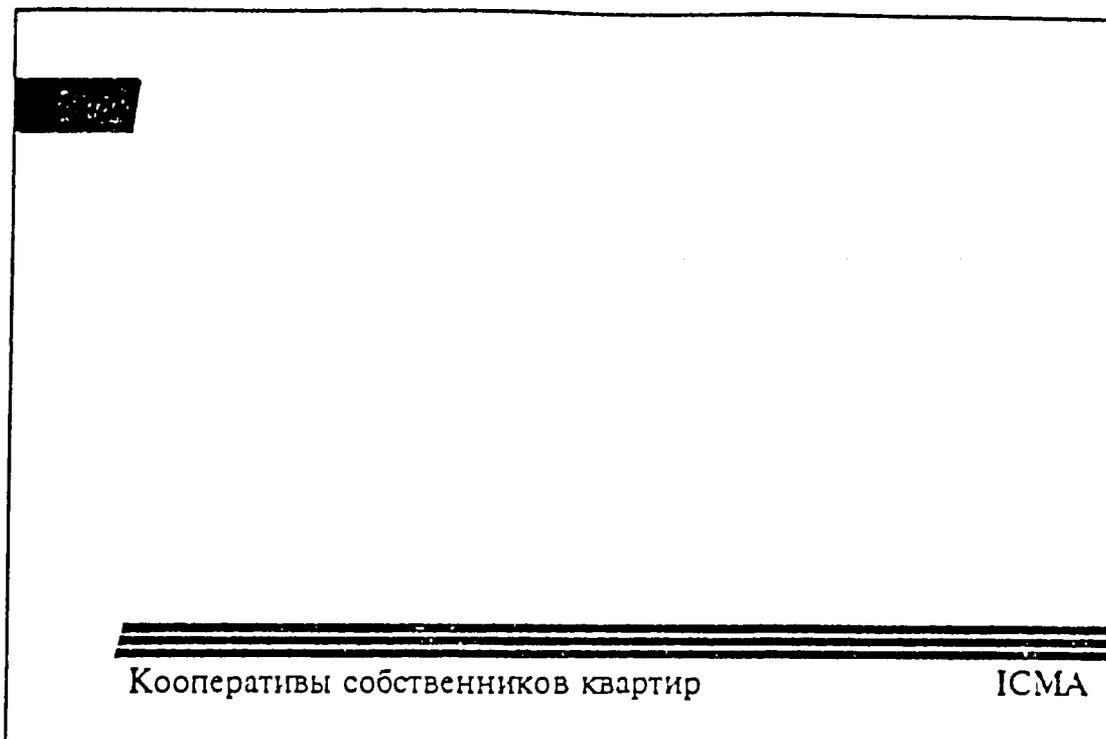
Кооперативы собственников квартир

ИСМА

36.

REGISTRATION:

- IN A STATISTICAL DEPARTMENT
- AS A LEGAL ENTITY



37. ONCE REGISTERED AS A LEGAL ENTITY A COOPERATIVE CAN:
- OPEN A BANK ACCOUNT

В каких зданиях можно создавать кооперативы?

Кооперативы собственников квартир

ИСМА

- 38. WHICH BUILDINGS ARE ELIGIBLE:**
- **WHAT PERCENTAGE OF PRIVATIZED APARTMENTS IS REQUIRED?**
 - **MUNICIPAL OR ENTERPRISE-OWNED**



PHOTO OF RESIDENTS DISCUSSING FORMING
A COOPERATIVE

Кооперативы собственников квартир

ICMA

39. DO 100% RESIDENTS HAVE TO AGREE?

- IS 75% ENOUGH?

PHOTO OF BUILDINGS

(IS COMMERCIAL SPACE AVAILABLE)

Кооперативы собственников квартир

ICMA

40. **COMMERCIAL SPACES:**

- **WHO ARE THE OWNERS**
- **MEMBERS OF A COOPERATIVE**
- **MAINTENANCE FEES**



PHOTO OF OPERATING COOPERATIVE SHOP

Кооперативы собственников квартир

ICMA

41. WHAT IS THE OPTIMAL SIZE OF THE COOPERATIVE?

- ECONOMICAL FEASIBILITY
- EASY TO MAINTAIN
- GENERALLY 150 TO 250 APARTMENTS WORK WELL, HOWEVER SOME ARE MUCH SMALLER AND SOME MUCH LARGER

Как обеспечить выполнение правил:

- через влияние других жильцов (соседей)
- штрафы и пени
- правовое воздействие

42. EXPLAIN SOME OF THE WAYS COOPERATIVES GET RESIDENTS TO COMPLY WITH COOPERATIVE RULES:

- GOOD EXPLANATIONS AS TO WHY THE RULE EXISTS
- PEER PRESSURE
- FINES AND LATE FEES
- LEGAL PRESSURE



PHOTO OF PEOPLE DISCUSSING PAYMENTS IN HALLWAY

Кооперативы собственников квартир

ICMA

43.

PAYMENTS:

- IMPORTANCE OF REGULARITY



Банковский счет

Кооперативы собственников квартир

ICMA

44. MANAGING THE COOPERATIVES MONEY

Forming Cooperatives

Participants Workbook

Produced for ICMA by:

**Paul K. Mengert, PCAM
Richard Gaynor, Esq.**

Working Draft April 6, 1995

**Кооператив /кондоминиум/=
ассоциация жильцов**



Кооперативы собственников квартир

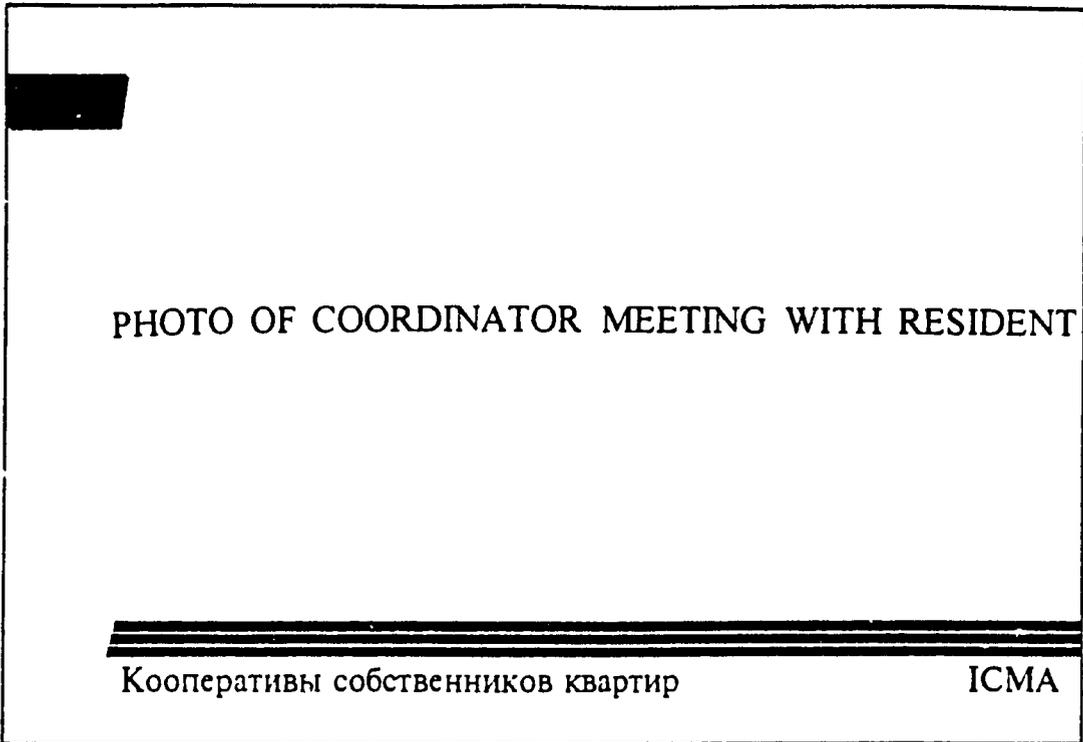
ИСМА

В основном я думаю что . . .

PHOTO OF COOPERATIVE BUILDING

Кооперативы собственников квартир ICMA

В основном я думаю что ...



В основном я думаю что ...



PHOTO OF LEADERS PREPARING FOR MEETING

Кооперативы собственников квартир

ICMA

33. PREPARATION OF THE MEETING:

- **INFORM RESIDENTS**
- **PLAN THE AGENDA**
- **PREPARE DOCUMENTS**
- **SET TIME AND PLACE**

PHOTO OF COOPERATIVE BUILDING

Кооперативы собственников квартир ICMA

В основном я думаю что ...

APARTMENT OWNERS COOPERATIVE

**A NEW WAY OF OWNING, MANAGING AND
MAINTAINING HOUSING**

DRAFT

JANUARY 18, 1995

Dear Residents:

We are pleased to welcome you to this exciting new program to encourage the formation of apartment owners cooperatives to manage the residential building. Living in a building managed by an apartment owners cooperative will be a change from what you are used to. It will not solve all of the problems in your apartment or building, but it should result in cleaner grounds and stairways and better overall management and maintenance of your building. These improvements will increase the quality of your life and the value of your apartment.

This booklet is designed to introduce you to some of the new concepts and ideas involved in forming and managing an apartment owners cooperative. It also includes much of the information and documentation you will need to form a cooperative.

We have attempted to include as much practical information as possible and to anticipate the questions that will be asked most frequently. Undoubtedly, the information in this package will stimulate additional questions that we have not anticipated. If so, please contact _____ at _____ for additional information and answers to your questions. The City is committed to assisting you. Thank you for your interest in this program and good luck!

Why Form An Apartment Owners Cooperative?

1. THE CITY CANNOT DO IT FOR YOU.

Extreme budgetary constraints have made it almost impossible for city maintenance agencies to continue to manage and maintain the housing stock. While many city administrations are attempting to raise additional funding for maintenance, they simply will not have the resources to provide the quality or quantity of maintenance services that you require and deserve. As a result, many buildings are gradually deteriorating and in some cases are becoming unsafe. If residents do not take control, the situation will become worse until buildings become uninhabitable.

2. YOUR APARTMENT IS YOUR HOME AND YOUR PROPERTY.

Your apartment is the place where you spend most of your time while you are not working. Clean common areas and well-maintained building systems will improve the quality of life for you and your family. Moreover, if you have privatized your apartment, it is probably your family's most valuable asset. Naturally, an apartment in a clean and well-maintained building is more valuable than one in a dirty and dilapidated building. By keeping your building and the common areas in good repair you improve your life and you increase the value of your family's most valuable asset.

3. THE APARTMENT OWNERS COOPERATIVE WILL ENSURE THAT YOUR MONEY IS SPENT WISELY.

In most cases, you will pay the same amount you are currently paying for rent, but you will pay it to the cooperative instead of the city administration. The cooperative will hire employees or contractors to perform basic maintenance and to clean the common areas. These employees will be directly accountable to the cooperative so the residents will know what they are receiving for their money. The city administration has agreed to provide other financial incentives to groups of residents that form cooperatives. Contact the city administration to obtain more information about the incentives it is providing.

How Does An Apartment Owners Cooperative Operate?

An apartment owners cooperative is a legal entity formed by a group of residents under the laws of the Republic of Kazakhstan. It functions like a mini-democracy, meaning that it must operate according to legislation and its own written regulations called bylaws. The members of the cooperative make many of the major decisions affecting the cooperative based on majority vote; very important decisions may require more than a majority vote. The members of the cooperative also elect representatives to an executive board which makes many of the day-to-day decisions on behalf of the residents. The cooperative is not designed to seek profit for its members. Any money it raises is used to improve the living conditions of the residents.

What Are The Bylaws?

The bylaws are the written regulations of the cooperative. They provide specific information about the following:

- how the cooperative will function
- the rights and responsibilities of the members of the cooperative
- the responsibility of the executive board of the cooperative
- how meetings of the cooperative and the executive board will be conducted
- the general rules and regulations of the cooperative
- the rights and obligations of the residents regarding their use of common areas

How Is A Cooperative Formed?

Formation of a cooperative is relatively easy. The first step is for interested residents to convene an organizational meeting with as many of the residents as

possible. The residents then prepare draft bylaws. A sample form of bylaws is attached to this booklet. The bylaws must be prepared carefully so they address the circumstances that may be unique to that cooperative. For example, buildings with commercial businesses should have provisions in the bylaws that describe the relationship between the apartments and the commercial premises. Once the bylaws are prepared, they must be registered at the agencies responsible for registration of legal entities. Such registration is usually made at the appropriate departments of local administrations. Once the cooperative is registered it will be able to open a bank account and to have its own seal and stamps.

Who Are The Members Of The Cooperative?

All owners of apartments are members of the cooperative. Members of the cooperative are required to make monthly payments to the cooperative and to comply with the decisions and regulations adopted by the cooperative. Apartment owners are not permitted to resign from the cooperative. Membership is attached to each apartment. If a member sells, gives away or bequeaths his or her apartment, his or her membership terminates and the recipient of the apartment becomes a member.

Who Has The Right To Vote?

Each apartment has one vote. Only owners of apartments have the right to vote. The city administration (or the appropriate entity which is the owner of the apartment) has the right to vote for apartments that have not been privatized. An owner may appoint a proxy to vote for him or her at a meeting of the cooperative.

What Are The Responsibilities Of The Cooperative?

As mentioned above, a major responsibility of the cooperative is to protect the investment and enhance the value of the property owned by the members. It does this by arranging for the management and maintenance of the building and grounds. It can do this by contracting with providers of these services (including city providers and private contractors) or by hiring its own employees such as janitors, electricians and plumbers. The cooperative is not responsible for repairs to individual apartments.

The cooperative is also responsible for enforcing the rules and bylaws of the cooperative. It may provide social and recreation programs and set up an effective communication system among the members of the cooperative.

Who is responsible for managing the cooperative?

All members of the Cooperative are responsible for managing the property and for regulating the operations of the cooperative. The residents and hired professionals often work together to manage the cooperative effectively, depending on its particular needs.

What Are The Options For Management Of The Cooperative?

The best management mechanism for the cooperative depends on factors such as the number of apartments : the building, the building's physical facilities, the services provided to the members, the skills of the members and their willingness to spend their time and effort, and the financial resources available.

The Three Most Common Management Options Available To The Cooperative Are:

- (1) self-management by volunteer cooperative members
- (2) management by paid cooperative members
- (3) management by a professional management firm.

What Is Self-Management By Volunteer Cooperative Members?

In this case the executive board runs the cooperative with homeowner volunteer members of the cooperative. This option is attractive because there is no additional management, cost. It may be a good choice if the cooperatives size and service do not demand much expertise and if board members and other volunteers have the time, knowledge, skills, and dedication for the job.

What Is Management By Paid Cooperative Members?

In this case the cooperative can hire a paid manager on the cooperative payroll. Hiring an employee manager may be a good idea if the cooperative has enough management

work and if the cooperative can find a person with the necessary skills and experience to serve as a professional cooperative manager.

What Is Management By A Professional Management Firm?

In this case the cooperative hires a professional management company. Presently, there are not many professional management companies in Kazakhstan but they will emerge as the demand for this service increases. In this option, as in the professional employee option, the cooperative seeks management experience and skill from persons who are experts in this field. An advantage hiring a management company is that they have additional resources to meet whatever needs may arise. Professional management may be a good idea for the cooperative with many things to supervise, control, and maintain.

What Is An Annual Meeting?

The members acting together are the highest authority in a cooperative. The bylaws for the cooperative set the date, time and place for the annual meeting of the cooperative. During the annual meeting, the residents elect an executive board. The board members are elected representatives, responsible to the cooperative members, and must act in the interests of the cooperative in carrying out their responsibilities.

What is the Executive Board?

The Executive Board should be composed of an odd number (not less than three) of persons, all of whom must be apartment owners in the cooperative. The primary advantage of the establishment of the Board is that work can be accomplished more efficiently.

What Will Happen If An Apartment Owner Or Occupant Does Not Comply With The Bylaws Or Rules?

In these cases the cooperative may bring an action against the apartment owner or the occupant of the apartment. If a decision of the Executive Board is contrary to law, an cooperative member may commence a legal action against the cooperative for invalidation of the decision.

What Are The Main Obligations And Rights Of Cooperative Members?

All members are obligated to pay regular and special assessments imposed by the Cooperative to meet all common expenses of the cooperative.

Every member is responsible for maintaining his or her unit in good repair. An owner must reimburse expenses of damages caused through such owners fault.

Each unit owner is obligated to follow the policies and procedures set up for the cooperative.

How Much Will The Payments Be?

The unit owners shall be liable to pay to the Cooperative their share of the common expenses to be used for maintenance of the building and the attached land parcel. The amount of the assessment for common expenses shall be determined in a budget to be adopted by the owners at a general meeting. In the event that the assessment is inadequate because of unanticipated common expenses, a special assessment may be made.

How Is The Cooperative Budget Formed?

The cooperative budget is a plan prepared before each fiscal year begins. The budget anticipates the cost of operating the Cooperative during the coming year. The first step in drawing up a budget is to determine the expenditures that must be made during the coming year. Then optional expenditures can be considered if it appears that the anticipated income will exceed the amount that must be spent. Among all the expenses that an Cooperative will have, some can be predicted accurately in advance, while others can only be estimated. Taken together, the budgeted expenses determine how much income the Cooperative will need to finance its operations during the coming year. This is how the Cooperative determines the amount of assessments it will need to collect from the members for that year. The cooperative budget will help each member budget for his expenses.

What Does The Budget Worksheet Look Like?

Expenses

Administrative Expenses

Salaries
Office expenses
Management fee
Telephone
Miscellaneous

Operating Expenses

Heating fuel
Electricity
Water/Sewer
Gas
Trash removal
Cleaning
Window washing
Elevator
Miscellaneous

Repair and maintenance

Grounds maintenance
Custodial
General maintenance
Painting exterior
Painting interior
Miscellaneous

Income

Regular assessment
Rental fees
Special (one-time, targeted) assessments
Miscellaneous

What Will Happen In Cases Of Nonpayment?

If a member does not pay, after being duly notified, and after a reasonable, prescribed time period, the Cooperative has the right to take action through the court system.

Is it possible for members to offer to do work for the cooperative instead of making payments?

It is quite possible in some cases. If a member can offer his or her labor and/or can provide a particular service for the Cooperative, and if the Cooperative decides that the service is legitimately needed and included in the budget, then the member may be exempt from a particular portion of the fees by providing the required service.

What are the sources of income?

The Cooperative will have several sources of income, which should be projected in the budget. These include the following:

Regular member fees
Rental fees

Special assessments
Sales proceeds for commercial premises c
apartments
owned by the cooperative
Late fees
Miscellaneous

How to assure that financial violations do not occur?

The members may elect an account auditing committee to review the accounts of the Cooperative. If there is an account auditing committee, it should report to the members at the annual meeting, the financial status of the cooperative.

If Something Is Wrong Inside The Apartment, Who Will Pay For It?

The Cooperative ordinarily is responsible for handling maintenance to common building systems, including plumbing and electrical systems, roofs, doors, windows, and other parts of the basic structure of the building. The Executive Board must determine who is responsible for the proper operation and maintenance of the electric, water, and sewer lines inside individual units.

If repairs to the common building systems or to mechanical systems inside a unit are required through no fault of the resident, there should be no charge to the individual for repairs by the Cooperative. If the

problem is a result of a resident's misuse or neglect, however, the cost of labor and materials should be charged to that person.

When Are Monthly Assessments Collected?

The timing of the payments should be defined in the bylaws of the Cooperative. Usually payments should be made at a regularly scheduled time each month, and adequate penalties should be charged for late payments. The method of collection is to have each member make payments directly to the Cooperative, either to the cooperative management office, if there is one, to a legitimate agent of the Cooperative, or to the Cooperative's bank account.

Is Participation By Members In The Operations Of The Cooperative Required?

Each member should be involved in the operations of the Cooperative. Involvement may mean paying assessments on time, cooperating with the Cooperative, and participating when help is needed on committees, including the Executive Board. At a minimum, each apartment owner should participate and vote in the annual meeting of the Cooperative.

Active involvement in the cooperative should be a rewarding and educational experience. It provides the best opportunity for each member to have a say in the management of the property and the protection of its value.

Remember, you have certain responsibilities and must live up to them. As a member of the cooperative, take pride in your surroundings. Be concerned about how well your apartment is maintained, as well as the maintenance of the entire common area. Budget your expenses in order to handle your monthly assessments. Don't forget that, as an apartment owner, you have certain rights over and above renters. You can vote and be a member of the Executive Board.

Owners, at the very minimum, should participate in the meetings and vote on the issues, that can directly affect your day-to-day living conditions. You, with others, can change things.

The extent of your interest and the enthusiasm of the other members is the true measure of a successful cooperative.

КООПЕРАТИВ СОБСТВЕННИКОВ КВАРТИР

**КАК СТАТЬ НАСТОЯЩИМ СОБСТВЕННИКОМ ЖИЛЬЯ,
КАК УПРАВЛЯТЬ ЖИЛЬЕМ
И СОДЕРЖАТЬ ЕГО**

20 ЯНВАРЯ 1995 Г.

Уважаемые жильцы!

Мы рады пригласить вас к участию в новой программе стимулирования создания кооперативов собственников квартир для управления жилым домом. Проживание в здании, которое управляется кооперативом собственников квартир, будет отличаться от того, к которому вы привыкли. Это не решит всех ваших проблем, связанных с квартирой или домом, но это должно привести к тому, что территория и лестничные площадки станут чище, общие технические системы и коммуникации станут работать лучше и улучшится общее управление, содержание и эксплуатация вашего дома. Такие улучшения повысят качество вашей жизни и стоимость вашей квартиры.

Эта брошюра составлена для того, чтобы ознакомить вас с некоторыми новыми идеями по созданию и управлению кооперативами собственников квартир. В ней вы также найдете много информации, которая понадобится вам для создания кооператива.

Мы постарались включить как можно больше практической информации и предусмотреть ваши возможные вопросы. Безусловно, информация, содержащаяся в этой брошюре, вызовет много дополнительных вопросов, которые мы не предусмотрели. В таком случае, для выяснения интересующих вас вопросов и за дополнительной информацией, пожалуйста, обратитесь к

по тел _____

в _____

В должностные обязанности работников, к которым вы обратитесь по этим телефонам с вопросами о кооперативах, входит непосредственная организационно-методическая помощь жильцам, желающим создать кооператив, т.е. помощь в проведении организационных собраний, подготовке устава,

разрешении возникающих у работающего кооператива проблем. опирайтесь на их помощь.

Городская администрация берет на себя обязательство оказывать вам содействие, так как объединения жильцов приватизированных квартир создаются в соответствии с Указом Президента Республики Казахстан "О новой жилищной политике" от 6 сентября 1993 г. и Соглашением о стимулировании создания кооперативов собственников квартир, подписанным городской администрацией.

Спасибо за ваш интерес к этой программе и желаем удачи!

ЗАЧЕМ СОЗДАВАТЬ КООПЕРАТИВ СОБСТВЕННИКОВ КВАРТИР ПО УПРАВЛЕНИЮ ЖИЛЫМ ДОМОМ?

1. ТО, ЧТО НЕ СМОГУТ СДЕЛАТЬ ЗА ВАС ГОРОДСКИЕ СЛУЖБЫ

Крайний дефицит бюджета привел к тому, что городские службы жилищно-коммунального хозяйства стали не в состоянии содержать жилой фонд. Несмотря на то, что многие городские администрации пытаются получить дополнительные финансовые ресурсы для содержания и эксплуатации жилья, они никогда не смогут найти достаточно средств для обеспечения качества и количества услуг по содержанию, которые вам необходимы и которые вам полагаются. В результате, состояние многих жилых зданий постепенно ухудшается, а в некоторых случаях, в них становится небезопасно жить. **Если жильцы не возьмут контроль в свои руки, то ситуация ухудшится настолько, что здания станут полностью непригодными для проживания.**

2. ВАША КВАРТИРА - ЭТО ЧАСТЬ ВАШЕЙ ЖИЗНИ И ВАША СОБСТВЕННОСТЬ

Ваша квартира - это то место, где вы проводите большую часть своего времени, помимо работы. Хорошее состояние общих площадей дома, т.е. подъездов, лестничных клеток, подвалов, прилегающего земельного участка и т.д., и исправность его технических сетей повысят качество проживания для вас и вашей семьи. Более того, если вы приватизировали свою квартиру, то, скорее всего, она стала самым ценным имуществом, принадлежащим вам и вашей семье. Естественно, что стоимость квартиры в чистом и хорошо содержащемся здании гораздо выше стоимости той, что находится в грязном доме с запущенными техническими системами. Поддерживая ваш дом и придомовую территорию в хорошем состоянии, вы улучшите свою жизнь и увеличите стоимость вашего самого ценного имущества.

3. КООПЕРАТИВ СОБСТВЕННИКОВ КВАРТИР ПОЗВОЛИТ БОЛЕЕ РАЗУМНО РАСПОРЯЖАТЬСЯ ВАШИМИ ДЕНЬГАМИ

В большинстве случаев, вам придется платить в кооператив ту же самую сумму, которую вы платите за содержание дома в настоящее время, но вы будете платить ее кооперативу, а не городской администрации. Кооператив будет нанимать работников для оказания основных услуг по содержанию дома и уборке общих площадей. Эти работники будут подотчетны непосредственно кооперативу, и таким образом, жильцы будут видеть, что имен...

имеют они за свои деньги. Горадминистрация согласилась предоставить другие финансовые стимулы тем жильцам, которые создадут кооператив. Обращайтесь в горадминистрацию за дополнительной информацией об этих стимулах.

КАК РАБОТАЕТ КООПЕРАТИВ СОБСТВЕННИКОВ КВАРТИР

Кооператив собственников квартир - это юридическое лицо, создаваемое группой собственников квартир в соответствии с законами Республики Казахстан. Он функционирует как небольшое демократическое государство в том смысле, что он должен действовать в соответствии с законодательством и своими собственными правилами, которые называются Уставом. Члены кооператива принимают многие основные решения по вопросам кооператива простым большинством голосов; для принятия самых важных решений может потребоваться больше, чем простое большинство голосов. Члены кооператива также выбирают своих представителей в Правление, которое принимает многие решения по текущим вопросам от имени и по поручению жильцов. Кооператив не создается с целью получения прибыли для своих членов. Все полученные деньги используются для улучшения условий проживания жильцов.

КАК СОЗДАЕТСЯ КООПЕРАТИВ?

Создать кооператив собственников квартир относительно несложно. Первый шаг - это когда заинтересованные жильцы созывают учредительное собрание с участием как можно большего количества жильцов. Затем жильцы подготавливают Устав. Примерный Устав прилагается к этой брошюре. Устав должен разрабатываться очень тщательно, чтобы отразить специфику данного кооператива. Например, жилые здания, часть которых занимают коммерческие структуры, должны включить в свой Устав положения о том, как будут строиться отношения между квартирами и коммерческими помещениями. Когда Устав готов, его необходимо зарегистрировать в организации, занимающейся регистрацией юридических лиц. Такая регистрация проводится в нашем городе в

(учреждение, № каб., дни и часы работы)

Для регистрации кооператива необходимо представить в указанное учреждение следующие документы:

1. Заявление
2. Устав кооператива
3. Протокол общего собрания жильцов.

После регистрации кооператив получит возможность открыть свой счет в банке и заказать свою печать и штампы, т.е. получить права юридического лица.

КТО ЯВЛЯЕТСЯ ЧЛЕНОМ КООПЕРАТИВА?

Все собственники квартир являются членами кооператива. Члены кооператива обязаны вносить ежемесячную плату в кооператив и выполнять все решения и постановления, принимаемые кооперативом. Не разрешается выход собственников квартир из кооператива. Каждая квартира входит в состав кооператива. В том случае, если член кооператива продает

квартиру, дарит или завещает ее, тем самым его(ее) членство в кооперативе прекращается и переходит к новому собственнику квартиры.

КТО ИМЕЕТ ПРАВО ГОЛОСА?

Каждая квартира имеет один голос на собраниях жильцов. Только собственники квартир имеют право голосовать. Городминистрация (или соответствующая организация, являющаяся собственником квартиры) имеет право голоса за те квартиры, которые не были приватизированы. Собственник может назначить доверенное лицо, которое будет голосовать за него на общем собрании членов кооператива.

КАКОВЫ ОБЯЗАННОСТИ КООПЕРАТИВА?

Как отмечалось выше, основной обязанностью кооператива является повышение стоимости недвижимого имущества его членов и защита их вложений в это имущество. Он выполняет эту обязанность путем организации управления и содержания дома и прилегающей территории. Кооператив делает это посредством заключения контрактов с поставщиками услуг (включая городские службы и частных подрядчиков) или посредством найма своих собственных работников, таких как дворники, электрики и слесари. **Кооператив не несет ответственности за ремонт отдельных квартир.**

Кооператив также отвечает за то, чтобы соблюдались постановления и устав кооператива. Он может предложить культурные программы и программы отдыха и наладит эффективную систему связи между членами кооператива.

КТО ОТВЕЧАЕТ ЗА УПРАВЛЕНИЕ КООПЕРАТИВОМ?

Все члены кооператива отвечают за управление общим имуществом и за регулирование деятельности кооператива. Жильцы и наемный персонал часто работают совместно для более эффективного управления кооперативом в зависимости от возникающих потребностей.

КАКИЕ СУЩЕСТВУЮТ ВАРИАНТЫ УПРАВЛЕНИЯ КООПЕРАТИВОМ?

Выбор самого лучшего механизма управления кооперативом зависит от таких факторов, как количество квартир в здании, физические возможности здания, услуги, оказываемые членам кооператива, навыки и умения членов кооператива и их желание тратить свое время и энергию, а также наличие финансовых возможностей.

ТРИ ВОЗМОЖНЫХ ВАРИАНТА УПРАВЛЕНИЯ КООПЕРАТИВОМ:

- (1) самоуправление с помощью добровольцев из числа членов кооператива;
- (2) управление посредством оплачиваемых членов кооператива;
- (3) управление при помощи профессиональной управленческой организации.

ЧТО ТАКОЕ САМОУПРАВЛЕНИЕ С ПОМОЩЬЮ ДОБРОВОЛЬЦЕВ ИЗ ЧИСЛА ЧЛЕНОВ КООПЕРАТИВА?

В данном случае Правление осуществляет управление кооперативом на общественных началах силами собственников квартир-членов кооператива. Этот вариант является привлекательным, поскольку не надо нести дополнительные расходы на управление. Этот вариант подходит для небольшого кооператива, оказание услуг для которого не требует специальных знаний и в том случае, если члены правления и другие добровольцы имеют время, знания, умения и привержены такого рода работе

ЧТО ТАКОЕ УПРАВЛЕНИЕ ПОСРЕДСТВОМ ОПЛАЧИВАЕМЫХ ЧЛЕНОВ КООПЕРАТИВА?

В этом случае, кооператив может нанять управляющего, оплачиваемого по платежной ведомости кооператива. Найм управляющего может быть хорошей идеей в том случае, если в кооперативе имеется достаточно работы по управлению кооперативом и если кооператив может найти человека с необходимыми умениями и опытом для работы профессиональным управляющим кооператива.

ЧТО ТАКОЕ УПРАВЛЕНИЕ ПРИ ПОМОЩИ ПРОФЕССИОНАЛЬНОЙ ОРГАНИЗАЦИИ?

В данном случае кооператив нанимает компанию профессиональных управляющих имуществом. В настоящее время, в Казахстане недостаточно профессиональных компаний управляющих, но их число будет расти с возрастающим спросом на такого рода услуги. Преимуществом найма компании управляющих является то, что они обладают дополнительными ресурсами для решения возникающих проблем. Профессиональное управление может подойти для крупного кооператива, в котором многое необходимо держать под контролем.

ЧТО ТАКОЕ ЕЖЕГОДНОЕ СОБРАНИЕ?

Члены кооператива, действующие совместно, являются высшим органом кооператива. Устав кооператива устанавливает дату, время и место ежегодного собрания членов кооператива. На ежегодной встрече жильцы выбирают Правление. Члены Правления являются выборными представителями, подотчетными членам кооператива, и они должны действовать в интересах членов кооператива при выполнении своих обязанностей.

ЧТО ТАКОЕ ПРАВЛЕНИЕ КООПЕРАТИВА?

Правление должно состоять из нечетного числа людей (не менее трех-обычно это, председатель, его заместитель и бухгалтер, но может быть и больше), которые должны быть собственниками квартир в данном кооперативе. Основным преимуществом учреждения Правления является то, что работу можно выполнять более эффективно.

ЧТО ПРОИСХОДИТ, ЕСЛИ СОБСТВЕННИК КВАРТИРЫ ИЛИ ИНОЙ ЖИЛЕЦ НЕ СОБЛЮДАЕТ УСТАВ ИЛИ НЕ ПОДЧИНЯЕТСЯ РЕШЕНИЯМ КООПЕРАТИВА?

В этих случаях, если устные предупреждения не действуют, кооператив может подать в суд на собственника квартиры или любого другого жильца дома. Если же решение Правления противоречит законам, любой собственник квартиры или иной жилец дома вправе подать в суд на кооператив для признания этого решения незаконным.

КАКОВЫ ОСНОВНЫЕ ОБЯЗАННОСТИ И ПРАВА ЧЛЕНОВ КООПЕРАТИВА?

Все члены кооператива обязаны регулярно вносить в кооператив определенные суммы размер которых устанавливается кооперативом, для несения общих расходов кооператива по содержанию дома.

Каждый член кооператива обязан поддерживать свою квартиру в хорошем состоянии. Собственник квартиры должен возмещать другим собственникам расходы от ущерба общих площадей дома и придомовой территории, причиненного по его(ее) вине.

Каждый собственник квартиры обязан следовать общим правилам и порядку, установленным кооперативом

Каким будет размер платежей собственника в кооператив?

Владельцы квартир будут обязаны выплачивать кооперативу свою долю общих расходов на содержание дома и придомовой территории пропорционально размеру квартиры. Размер оплаты за общие расходы будет определяться в бюджете, который принимается собственниками на общем собрании. В том случае, если размер оплаты не покрывает непредвиденные общие расходы, можно будет вносить дополнительную оплату с согласия собственников, выраженного на общем собрании.

Как составляется бюджет кооператива?

Бюджет кооператива - это план, составляемый перед началом каждого финансового года. В бюджете предусматриваются расходы кооператива на следующий год. Первый шаг в составлении бюджета - это определить перечень расходов, которые необходимо будет произвести в следующем году. Затем можно рассмотреть дополнительные расходы, если окажется, что предполагаемые доходы кооператива превысят размер суммы, которую нужно потратить на содержание жилья. Из всех расходов, которые будет нести кооператив, некоторые можно точно оценить заранее, в то время как другие можно только предвидеть. Вместе взятые бюджетные расходы определяют, какой доход будет необходим кооперативу для финансирования своей деятельности в следующем году. Таким образом кооператив определяет размер платежей, которые ему необходимо будет собрать со своих членов для покрытия расходов на этот год. Бюджет кооператива поможет каждому из его членов определять свои расходы по бюджету.

Как выглядят статьи бюджета?

Расходы:

Административные расходы:

Зарплата служащим;
Зарплата управляющему;
Расходы на содержание офиса кооператива (канцелярские, почтовые и т.п.);
Телефонные расходы;
Разное.

Эксплуатационные расходы:

Отопление;
Электричество;
Вода/Канализация;
Газ;
Уборка мусора на земельном участке;
Уборка лестничных клеток;

Мытье окон,
Лифт.
Разное.

Ремонт и содержание.

Содержание прилегающей территории,
Услуги сторожа,
Общее содержание,
Покраска фасада дома,
Покраска внутри подъездов;
Разное.

Доходы:

Регулярные взносы членов кооператива (та часть платежей населения, что раньше вносилась жильцами как квартплата или иная сумма, по решению членов кооператива);
Арендные платежи от арендаторов коммерческих встроенных помещений и помещений, что находятся на прилегающем земельном участке;
Специальные (разовые целевые) взносы членов кооператива;
Выручка от продажи коммерческих помещений или квартир, находящихся в собственности кооператива;
Пени за просрочку платежей в кооператив
Разное.

Что произойдет в случае невыплаты взносов в кооператив?

Если член кооператива не вносит положенные платежи, то после того, как его предупредили и по прошествии установленного срока, кооператив имеет право начать судебное преследование такого члена кооператива.

Могут ли члены кооператива предлагать свои услуги по выполнению работ вместо оплаты?

Если член кооператива может предложить какую-то определенную услугу кооперативу, и если кооператив решает, что эта услуга необходима и включает ее в бюджет, то член кооператива может быть освобожден от уплаты определенной доли своего взноса в размере стоимости этой услуги.

Как исключить возможность финансовых нарушений?

Члены кооператива могут выбрать ревизионную комиссию для проверки счетов кооператива. Если такая комиссия создана, она должна доложить о финансовом положении кооператива на ежегодном собрании членов кооператива.

Если есть неполадки технических систем внутри квартиры, то кто будет оплачивать их устранение?

Обычно кооператив отвечает за текущий ремонт только **общих** систем здания, включая водопровод, электрическую сеть, крыши, двери, окна и другие элементы основной структуры

здания. Правление должно определить, кто отвечает за надлежащее функционирование и содержание систем электро-, водоснабжения и канализации, находящихся внутри квартир.

Если необходимость в ремонте общих систем здания или частей коммуникаций внутри квартиры возникает не по вине жильца, то кооператив не взимает с жильца плату за такие ремонтные работы. Однако, если проблема возникла по вине жильца, то он(она) должен возместить стоимость труда и материалов.

Когда собирать ежемесячные взносы?

Сроки оплаты (с такого-то по такое-то число) должны быть установлены в Уставе кооператива. За задолженность взимается определенный штраф. Способ оплаты предусматривает внесение сумм каждым членом непосредственно кооперативу, т. е. или офису управления кооперативом, если таковой имеется, либо уполномоченному представителю кооператива, или в соответствующее учреждение банка на банковский счет кооператива.

Требуется ли участие членов кооператива в деятельности кооператива?

Каждый член кооператива должен быть вовлечен в его деятельность. Это вовлечение означает своевременное внесение платежей в кооператив, участие в комиссиях, включая Правление, когда необходима помощь, и всякое иное содействие.

Активная вовлеченность в деятельность кооператива должна стать стимулом для каждого члена кооператива. Она предоставляет наилучшую возможность для каждого члена кооператива высказать свое мнение по вопросам управления собственностью и таким образом сохранить и повысить ее стоимость.

Помните о том, что у вас есть определенные обязанности и вы должны их выполнять. Как член кооператива вы должны гордиться тем, что вас окружает. Вы должны беспокоиться о том, чтобы ваша квартира, а также все общие площади, содержались как можно лучше. Рассчитывайте свои расходы, для того чтобы иметь возможность производить ежемесячную оплату. Не забывайте: как собственник квартиры вы имеете определенные права, дающие Вам преимущества перед арендаторами. В отличие от них, Вы имеете право голоса на собраниях кооператива, а также право быть членом Правления.

Собственники должны голосовать по тем вопросам, которые могут непосредственно касаться их ежедневных жилищных проблем. Вы, вместе с другими, можете изменять положение вещей.

Степень вашей заинтересованности, а также энтузиазм других членов кооператива, являются залогом его успеха.

Draft as of December 5, 1994

Statement by Head of _____ City Administration

On the formation of cooperatives of apartment owners in the city of _____.

In accordance with the Housing Code of the Republic of Kazakhstan (Part II, Article 21, paragraph 2) providing for the right of common ownership of an apartment building, and the Decree of the President of the Republic of Kazakhstan "Concerning A New Housing Policy" dated September 6, 1993 , the Head of _____ City Administration decrees:

1. Heads of district administrations, together with the Production Housing Management Trust, shall organize the work to encourage the creation of resident management cooperatives (KSKs).
2. The legal status of resident management cooperatives shall be defined pursuant to the Law on Property of the Republic of Kazakhstan, and the bylaws of resident management cooperatives.
3. [The city housing management and maintenance organizations - the owners of municipal housing stock - shall be entitled to transfer apartment buildings [having at least 75 percent of privatized apartments] to the resident management cooperatives for the balance value of such buildings on a gratis basis.]
4. The Bureau of Technical Inventory shall conduct a reregistration of apartment buildings being transferred to the ownership of KSKs on a gratis basis.
5. The City Committee on Land Relations and Land Tenure shall fix the boundaries of land parcels to be transferred for the use of KSKs and issue [on a gratis basis] the deeds to the right to permanent use of these parcels.
6. The lease agreements with renters of all built-in non-residential premises in cooperative buildings shall be concluded by the cooperative. The rents collected by the cooperatives on the basis of such agreements shall be used by the KSKs themselves. The amount of the rents shall be established by mutual agreement of the parties.
7. The City Department of Statistics and Analysis [the Oblast Department of Justice] shall register the bylaws of resident management cooperatives [on a gratis basis].
8. For the transitional period to unsubsidized maintenance of housing, for newly created resident management cooperatives, there shall be provided targeted financing from the budget for some kinds of communal services [heat, hot water, elevators, garbage collection]. The payment for the maintenance expenses for managing

of housing units and the territory around these units of resident management cooperatives shall be determined by the owners of these apartments.

9. The present Resolution should be discussed in the coming session of the city Maslikhat-meeting of the deputies.

10. Supervision of the fulfillment of the present Resolution shall be provided by _____, Deputy Head of the City Administration.

_____[Signature]_____
Head of City Administration

RESOLUTION
of the head of Petropavlovsk city administration
as of May 27, 1994

**Concerning the Approval of Regulations for a Cooperative
of Apartment Owners and the Procedures for Maintenance
of Residential Buildings in Petropavlovsk**

In accordance with the Housing Code of the Republic of Kazakhstan, Resolution #459 of the Cabinet of Ministers dated June 3, 1993 establishing the rules for the use of residential premises, maintenance of a residential building and the grounds, and according to Law of the RK dated December 10, 1993 "About tentative delegation of additional powers to President of the RK and the heads of local administrations", the head of the city administration decrees:

1. To approve the Regulations for a cooperative of apartment owners and the rules of maintenance of residential buildings in the city of Petropavlovsk.
2. The committee (chaired by Mr. G.Gapotchenko) responsible for drafting the Regulations shall continue to study all issues related to maintenance of residential buildings and make amendments and additions to the Regulations, if necessary.
3. Mr. Bondar, deputy head of the city administration, and Mr. Lapitsky, chief manager of the housing maintenance trust, shall oversee the implementation of this Resolution.

P. Khodeev
Mayor of Petropavlovsk

REGULATIONS
Concerning a Cooperative of Apartment Owners and
the Rules for Maintenance of Residential Buildings in Petropavlovsk

I. GENERAL PROVISIONS

1. A cooperative of apartment owners (hereinafter referred to as KSK) shall be formed in accordance with the Housing Code of the Republic of Kazakhstan and other current legislative enactments for the purpose of ensuring more efficient management and maintenance of common areas of a residential building(s) and the grounds, as well as for safeguarding the common interests of residents.

A cooperative of residents, the members of which have made full assessments, may be transformed into a KSK.

These Regulations shall be applicable to a cooperative of owners of single family buildings.

2. A KSK shall be formed provided that there is voluntary consent of all apartment owners and tenants. A general assembly of the residents shall approve the Bylaws, elect the Board, and establish the amount of assessments and the payment procedure.

3. To acquire the status of a legal entity and undergo registration, the following documents shall be submitted to the apartment department of the city administration:

- application;
- protocol of the general assembly;
- Bylaws;
- members of the Board.

Prior to registration, the former owner of the building shall submit the deed fixing the boundaries of the attached land parcel (grounds), technical passport, design documentation of a residential building, as well as the scheme of external engineering systems, that describe the technical characteristics and physical conditions of the building.

The apartment department shall issue a document made according to the established format to the KSK.

4. To gain profit that can be used by the cooperative for the purposes stipulated in the Bylaws, the KSK may perform industrial, commercial and other activities and provide various services after its reregistration as an economic entity.

II. MANAGEMENT AND MAINTENANCE OF A RESIDENTIAL BUILDING

5. The KSK shall act as a customer of maintenance and repair services for a residential building and attached land parcel, ensure maintenance of common areas (yards, basements, attics, elevators, stairwells, distribution systems (arrangements?) in the basement and inside apartments), and conclude maintenance contracts.

6. The cooperative members may conclude additional agreements about joint ownership and shared maintenance of common areas and grounds.

Apartment owners and tenants that are not cooperative members shall conclude an agreement with a KSK on sharing maintenance expenses.

7. Technical servicing and repair to the residential building structures, common areas, as well as improvements, disinfection of non-residential premises and grounds shall be made on a contractual basis from the KSK funds and at the expense of individual owners.

State-owned and private enterprises that have non-residential premises in a residential building (such as built-in canteens, shops, consumer services centers) shall share expenses related to maintenance and repair to common areas (roof, facade, grounds, basement) depending on the area and the actual consumption of electricity and utilities.

8. The KSK has the right to conclude contracts for maintenance and repair to buildings with state-owned, private enterprises, or private individuals that have been authorized to perform such jobs.

In this event, the system of maintenance of residential buildings performed nowadays by ZhKO, ZhKK, Zheu shall be transformed into maintenance teams that act as legal entities and are supervised by a city administration.

9. Enterprises and private individuals that have concluded maintenance and repair contracts shall strictly observe the standards and rules of maintenance of residential buildings and grounds. The enterprises or private individuals shall be responsible for violation of the maintenance standards and damage caused to a residential building and attached land parcel according to existing legislation.

10. A list of contractual services and maintenance tasks may include the following:

-- preventive inspection of structures and engineering systems
(except for gas and elevator equipment that are maintained by corresponding agencies on a contractual basis);

-- sanitary clean-up of the attached land parcel, cesspools, refuse pick up;
clean-up of ducts and flues; running repair to the residential building;
maintenance of the heating, electricity and sewer systems in common areas;

ventilation; as well as emergency repair; and other contractual maintenance tasks.

11. Utility agencies shall maintain external engineering systems, such as heat, gas, water, sewer, and electricity systems, etc. (including switchboards within the buildings) from their budgets. Repair to distribution networks (arrangements?) in attics and in basements, as well as roofs the period of maintenance of which has expired shall be made from the agency funds and the city budget.

12. The KSK, individual owners and tenants **shall**:

-- use the attached land parcel on conditions stipulated in existing legislation;

-- timely inform *oblast* branch of the BTI about restructuring, replanning or any other improvements of the conditions of the building;

-- ensure timely repair to residential buildings, apartments, technical servicing of the building structures and facilities, disinfection of storage areas and grounds. In the event when the need for apartment repair was caused by capital repair of the building, installation of additional equipment, or any other reasons through no fault of owners or tenants (emergency repair), such repair shall be made from the KSK budget;

-- observe the terms of the contracts with maintenance and repair agencies, timely pay utility charges according to established rates for the following:

radio, common aerial, gas, water, electricity, telephone; heat; elevator; sewer; pumping and other engineering equipment;

timely make other payments due; provide access to an apartment for inspection of construction structures, technical facilities and performing repair.

13. An owner or tenant shall be responsible for any violation of the rules of residing in a residential premise, using engineering systems, communications, and grounds or any damage caused to these systems following the procedures established by law and the Bylaws of the KSK.

14. Maintenance charges (running expenses for the maintenance of a residential building and grounds) shall be made by the KSK or individual owners based on the estimated rates or on conditions stipulated in the contracts with maintenance agencies or private individuals.

15. All disputes which may arise from implementation of these regulations shall be resolved in accordance with existing legislation.

ПОСТАНОВЛЕНИЕ

Главы городской администрации
города _____

Об образовании кооперативов собственников квартир
в городе _____

В соответствии с Жилищным Кодексом Республики Казахстан (Раздел II, Статья 21, п. 2), предусматривающим реализацию права общей собственности на жилой дом, а также Указом Президента Республики Казахстан "О новой жилищной политике" от 6 сентября 1993 г., Глава городской администрации гор. _____ постановляет:

1. Главам районных администраций совместно с производственным трестом жилищно-коммунального хозяйства всемерно содействовать созданию кооперативов собственников квартир (КСК) в приватизированных жилых домах.
2. Определить юридический статус кооперативов собственников квартир согласно "Закону о собственности" Республики Казахстан, а также уставам кооперативов собственников квартир.
3. Предоставить право городским органам жилищно-коммунального хозяйства - собственникам жилищного фонда - безвозмездно передавать многоквартирные здания [в которых приватизировано не менее 75 процентов квартир] создаваемым в них кооперативам собственников квартир по балансовой стоимости этих зданий.]
4. Бюро технической инвентаризации на безвозмездной основе произвести перерегистрацию многоквартирных жилых домов, передаваемых в собственность КСК.
5. Городскому комитету по земельным отношениям и землеустройству [на безвозмездной основе] закрепить границы землепользования за создаваемыми кооперативами собственников квартир и произвести выдачу Госактов на право постоянного пользования закрепленными за КСК земельными участками.
6. Установить, что договоры аренды с арендаторами всех встроенных нежилых помещений в жилых домах, в которых создаются кооперативы, заключаются самими кооперативами собственников квартир. Арендная плата, взимаемая кооперативом на основе таких договоров поступает в распоряжение данного КСК. Размер арендной платы определяется сторонами по взаимной договоренности.

7. [Городскому управлению по статистике и анализу] [Квартирному отделу горадминистрации] [Областному управлению юстиции] произвести [безвозмездную] регистрацию уставов кооперативов собственников квартир.

8. Установить, что образуемым кооперативам собственников квартир в течение переходного периода к бездотационному содержанию жилья будут предоставляться целевые бюджетные субсидии на оплату некоторых видов коммунальных услуг (таких как отопление, горячее водоснабжение, лифты, вывоз мусора). Размер платежей, требуемых для содержания в надлежащем состоянии жилых домов, в которых создаются кооперативы, а также закрепленных за этими жилыми домами земельных участков, определяются самими кооперативами собственников квартир.

9. Данное Постановление предложить к рассмотрению на предстоящей сессии городского маслихата-собрания депутатов гор. _____.

10. Контроль за исполнением настоящего Постановления возложить на заместителя Главы городской администрации _____ (Ф.И.О.)

Глава городской администрации _____
(Подпись)

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NOTE: These bylaws are a sample form. Each cooperative will have to review them carefully and revise them to fit into individual circumstances All blanks are to be filled-in according to the desires of the cooperative.

DRAFT (December 5, 1994)

REGISTERED by the _____
City Administration

APPROVED

by the decision of
the resident management
residing at _____

Minutes #1 as of _____

**BYLAWS OF THE RESIDENT MANAGEMENT
COOPERATIVE**

I. General Provisions

1. The resident management cooperative (hereinafter referred to as RMC), was created at the initiative of the owners of privatized apartments residing at address) _____ at the organizational meeting held on _____ 1995.

2. The purpose for formation of the RMC is to provide for the appropriate maintenance of the occupied residential area, the building as a whole, and the attached land parcel, as well as to arrange for the provision of the RMC members with communal and other services, to represent and to protect their interests as consumers of communal and other services and to collaborate with governmental and non-governmental organizations for a better quality of life.

3. The RMC in its activities shall be governed by the legislation of the Republic of Kazakhstan that regulates issues pertaining to: ownership of housing; to management and maintenance of the housing stock; the protection of consumers' rights and other issues; and by these bylaws.

4. Upon the moment of the registration of these bylaws, the RMC shall become a legal entity, have its own balance sheet, be able to conclude agreements and bear various types of responsibilities in its person, as well as to act as a plaintiff and respondent in court and in arbitration proceedings.

5. The RMC shall have its own Seal and Stamps.

6. The RMC is located at the following address: _____

7 The provisions of these bylaws are applicable to all present or future owners, their tenants, or any other persons who use the facilities of the cooperative.

II. Power of the RMC

8. In accordance with the specified goals, the RMC shall:

- a) supervise the appropriate technical and sanitary maintenance of the residential building;
- b) independently select individual employees or a maintenance organization for maintaining the building, which may include state-owned housing maintenance agencies, repair and construction organizations, cooperatives, private firms, and other economic entities, as well as make contracts for the maintenance and repair of the Premises;
- c) ensure the participation of the RMC members in all expenses connected with the management and maintenance of the building based on the relative occupied area of each apartment;
- d) ensure prompt placement of collected management and maintenance assessments in the RMC bank account;
- e) inspect and pay for maintenance and repair work in a timely manner;
- f) ensure the observance of the rules established for the use of residential premises, maintenance of residential buildings and attached land parcels by all RMC members;
- g) elect to act as utilities customer (including water, natural gas, heat, power supply, etc.); enter into contracts with companies providing these services.
- h) in cases of unsatisfactory performance, apply sanction to organizations maintaining the building, to other entities, as well as to private individuals providing their services to the RMC;

i) be entitled to lease vacant non-residential premises to other organizations and private individuals;

j) have the right to be engaged in commercial or other economic activities either independently or on the shared participation terms for the purposes of obtaining additional financial or physical resources to be used for the successful operation of the RMC;

k) be engaged in any other activity aimed at protection of the rights of the apartment owners and consumer's rights.

l) own and purchase any appliances, machinery, hardware, and other property necessary for the implementation of its goals.

III. Funds

9. The RMC funds are made up of current assessments for the management and maintenance of the building(s) and attached land parcel and also loans, credits, subsidies, voluntary donations and incomes, generated by commercial and other economic activities.

10. The assessments for the maintenance and repair of the building and the attached land parcel shall be made in the amount that will ensure all necessary expenses on the above mentioned kinds of work and services, including deductions used for the rehabilitation of the building. The amount of the assessments for the maintenance and repair of the building. The amount of the assessments shall be determined by the Executive Board based on the amount of the contracts for maintaining and repairing of privatized residential buildings and other items of income and expense.

11. The RMC annual meeting may decide to raise special funds (to be used for land improvement, for cultural, educational and recreational work, salaries and bonuses to the Executive Board)

IV. Rights and Obligations of RMC members

12. The owners of apartments within the Premises shall constitute the members of the RMC.

13. RMC members shall exercise the right to their residential premises in compliance with existing legislation.

14. An RMC member shall be entitled to:

a) to elect Executive Board and Auditing Committee members as well as to be elected to them.

b) act through a proxy by giving that proxy a power of attorney. The RMC member may, in writing, revoke the power of attorney at any time.

c) raise any question to be discussed at the Annual Meeting under the condition that the question was raised not later than _____ days before the date of the Annual Meeting.

d) dispute decisions of the Executive Board, Annual Meeting and Audit Committee in the state arbitration or in the court.

15. An RMC member shall be obligated to:

- a) observe the requirements set in the RMC bylaws, and the decisions made by the Annual Meeting or meetings of the Executive Board.
- b) use the premises according to its designated use, ensure its good condition and observe the rules for the use of the premises, maintenance of the building and attached land parcel;
- c) make monthly payments for the maintenance and repair of the building.

16. In case of his/her temporary absence from his/her apartment, an RMC member shall keep his/her rights and obligations stipulated in these bylaws.

17. Money paid to the RMC for the repair of the building (including capital repair), as well as for other purposes, shall not be returned to the residents.. Any indebtedness of the resigned RMC member shall be collected through established procedures.

18. In the event of destruction or damage to the building or grounds caused by the resident or their families or guests, as well as in cases when they systematically violate the rules of conduct, making it impossible for the other residents to reside in the same building, the residents in violation shall bear responsibility for their actions pursuant to existing legislation. Such residents shall be responsible for compensating the RMC and other residents for damages they inflict.

19. Disputes arising between the RMC and its members, as well as between the RMC and governmental agencies, and other cooperatives and organizations shall be settled through the established procedure.

V. Administrative Bodies

. Annual Meeting

20. An RMC Annual meeting of its Executive Board shall be the principle meeting of the RMC.

21. The Annual meeting of the RMC members shall be of the highest RMC body. It shall be authorized to address the following issues:

- a) approval of and amendments to the RMC bylaws;
- b) election of the Executive Board and the Auditing Committee;
- c) approval of the RMC budget, formation of RMC funds and establishing the procedures for their spending;
- d) considering complaints;

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e) approval of the economic and financial annual report prepared by the Executive Board, and of the economic-and-financial plan for the following year;

f) termination of the RMC;

g) other issues that are included in the RMC competence.

22. The RMC annual meeting shall be held on the _____ (first or second or third, etc.) _____ (Monday or Tuesday or Wednesday, etc.) of _____ (month) of each year. At such annual meeting, there shall be elected an Executive Board.

23. Additional RMC meeting shall be convened at the request of at least 20 percent of the RMC members or the Auditing Committee, or the Executive Board.

24. At annual meetings of the RMC members, 51 percent of the RMC members, (or their proxies) shall constitute a quorum.

25. Decisions shall be made by the annual meeting by a simple majority vote of the RMC members (or proxies) attending the meeting, with the exception the decisions on the points [20 a),e)] _____ of these bylaws, which require unanimity.

26. The agenda of the upcoming meeting shall be conveyed to the residents at least 20 days before the date of the meeting.

. Executive Board

27. The RMC Executive Board shall be composed of _____ (chose an odd number of at least three) members. The length of the term for the committee is one year. The principal officers of the association shall be a chairman, a chairman's deputy, a secretary and a treasurer, all of whom shall be members of the Executive Board. The office of secretary and treasurer may be held by the same person. The chairman of the Executive Board shall be the person who receives the highest number of votes at the Annual Meeting. The Executive Board shall elect the chairman's deputy, treasurer and secretary from among the other members of the Executive Board. On the basis of the decision made by the annual meeting, members of the Executive Board may either be paid for their work or perform their duties without remuneration.

28. The Executive Board shall be the executive authority of the RMC; it shall report to the RMC and the annual meeting. The Executive Board shall have the following duties:

a) make maintenance and repair contracts, as well as conclude other agreements pertaining to RMC activities;

b) prepare plans, budgets, and reports;

c) monitor maintenance and repair work; observe contractual agreements on the maintenance and repair of the building.;

d) hire workers for maintaining the building and the attached land parcel, and for setting remuneration for these workers;

- e) Disburse of the RMC funds according to the budgets approved by the Annual Meeting;
- f) represent the interests of the RMC at governmental agencies, entities, social and other organizations;
- g) control due receipts of RMC members' assessments established by the Annual Meeting, as well as utility and other payments. In cases when RMC members fail to make such payments in a timely manner, the Executive Board shall take appropriate measures in order to collect these payments through the established procedure;
- h) prepare documentation, accounting and reporting; and
- i) perform other duties stipulated in the bylaws.

29. The RMC Executive Board shall be entitled to disburse the RMC funds available on its banking account in compliance with financial and other plans approved by the Annual Meeting.

30. Vacancies in the Executive Board caused by any reason other than the removal of a member by a vote of the cooperative shall be filled by vote of the majority of the remaining members, even though they may constitute less than a quorum. Each person so elected shall be a member until a successor is elected at the next meeting of the, RMC.

31. At any regular or special meeting duly called, any one or more of the members of the Executive Board may be removed with the indication of cause by the majority of the owners and a successor may then and there be elected to fill the vacancy thus created. Any member whose removal has been proposed by the owners shall be given an opportunity to be heard at the meeting.

32. The first organization meeting of the newly elected Executive Board shall be held within ten days of the election at such place as shall be fixed by the members of the committee.

33. Regular meetings of the Executive Board may be held at such time and place as shall be determined, from time to time, by a majority of the members, but at least four times each calendar year.

34. Special meetings of the Executive Board may be called by the chairman on three days' notice to each member. Special meetings of the Executive Board may be called by the chairman or secretary in like manner and on like notice on the written request of at least three members.

35. At all meetings of the Executive Board, a majority of the members shall constitute a quorum for the transaction of business. The acts of the quorum shall be the acts of the Executive Board. If, at any meeting of the Executive Board, there be less than a quorum present, the members present may adjourn the meeting from time to time.

36. The chairman shall be the chief executive officer of the cooperative. The chairman shall preside all meetings of the cooperative and meetings of the Executive Board. The chairperson shall have all of the general powers and duties that are usually vested in the office of chairman of an association, including the power to appoint committees from among the owners to assist in the conduct of the cooperative's affairs.

37. The chairman deputy shall take the place of the chairman and perform the chairman's duties whenever the chairman shall be absent or unable to act. If neither the chairman nor the chairman deputy is able to act, the Executive Board shall appoint some other member of the Executive Board to do so on an interim basis. The vice-chairman shall also perform such other duties as shall from time to time be requested by the Executive Board.

38. The secretary shall keep the minutes of all meetings of the Executive Board and minutes of all meetings of the cooperative; the secretary shall have charge of such books and papers as the Executive Board may direct; and shall, in general, perform all the duties incident to the office of secretary.

39. The treasurer shall have responsibility for association funds and securities and shall be responsible for assuring that full accurate accounts of all receipt and disbursements are kept in books belonging to the cooperative. The Auditing Committee shall advise and assist in carrying out the duties of the treasurer.

VI. Auditing Committee

40. The Auditing Committee shall be composed of at least three members elected at the Annual Meeting. The length of the term for which they shall serve shall be one year. The Auditing Committee shall be the controlling authority.

41. The Auditing Committee shall elect its chairperson. The chairperson shall be a member of the auditing committee. The auditing committee shall make an audit at least once a quarter. It shall also make an open audit either at the request of at least 20 percent of the RMC members or on its own initiative.

42. The Executive Board members are obliged to produce any RMC documents if requested by the Auditing Committee. The Auditing Committee shall be authorized to employ an outside auditor paying for this work from the RMC funds. If there are less than 20 members in the cooperative, an auditor shall be selected by the Annual Meeting, instead of the Auditing Committee.

43. The Auditing Committee shall convey the results of the audits to the annual meeting of the cooperative. The Auditing Committee submits a resolution on the results of the year ending balance and reconciliation of all accounts. Without a resolution of the Auditing Committee, the annual meeting shall not approve the annual financial balance of the RMC.

VII. Termination of the Cooperative

44. The RMC may be terminated in the cases of:

- a) a taking of the land parcel for public or social purposes ;

b) damage or destruction by fire, earthquake or other event of more than 50 percent of the building and a decision approved by the vote of at least 75 percent of the RMC members not to rebuild the damaged or destroyed portions of the building;

c) at the unanimous decision of the RMC members;

d) and as well as in other cases stipulated by law.

45. The assets of the RMC that remain after paying the debts of the RMC shall be distributed among the RMC members in proportion of their shares in the common property. Termination of the cooperative shall be registered in the same manner as the foundation deed. Upon termination, the owners of premises may agree on some other form of ownership. If they fail to agree, they shall be deemed to own the common property as joint property, provided that they shall have exclusive right to occupy their premises.

К сведению: данный проект Устава является образцом предполагаемого Устава кооператива собственников квартир. Каждый вновь организуемый кооператив должен внимательно рассмотреть его и привести в соответствие с конкретными условиями в каждом конкретном случае.

ПРОЕКТ (5 декабря 1994)

ЗАРЕГИСТРИРОВАН

_____ городская
администрация

_____ г.

УТВЕРЖДЕН

Решением собрания владельцев
квартир, проживающих по адресу

_____ г.
№ 1

УСТАВ КООПЕРАТИВА СОБСТВЕННИКОВ КВАРТИР

I. Общие положения.

1. Кооператив собственников квартир, именуемый в дальнейшем "КСК", создан по инициативе владельцев приватизированных квартир, проживающих по адресу: _____ на учредительном собрании состоявшемся _____ 1995 г.

2. Целью создания кооператива жильцов является организация надлежащего содержания жилых квартир, дома (домов) и придомовой территории, организация обеспечения членов КСК коммунальными и другими услугами, представление и защита их интересов, как потребителей услуг коммунальных и иных служб и организаций, а также сотрудничество с государственными и общественными организациями для обеспечения высокого уровня жизни.

3. КСК в своей деятельности руководствуется действующими законодательными актами Республики Казахстан, регламентирующими вопросы собственности на жилье, содержания и эксплуатации жилищного фонда, и защиты прав потребителей и данным Уставом.

4. КСК с момента регистрации Устава является юридическим лицом, имеет самостоятельный баланс, расчетный и иные счета в банках, может от своего имени заключать договоры и нести обязанности, быть истцом и ответчиком в суде и арбитражном суде.

5. КСК имеет свою печать, угловой и другие штампы со своим наименованием.

5. Место нахождения КСК: _____.

7. Положения данного Устава распространяются на всех настоящих или будущих собственников помещений кооператива, арендаторов помещений и

других лиц, пользующихся помещениями, сооружениями, оборудованием и устройствами кооператива.

II. Полномочия КСК

8. КСК в соответствии с указанными целями:

- а) обеспечивает контроль за содержанием жилого дома в надлежащем техническом и санитарном состоянии;
- б) самостоятельно определяет частных подрядчиков или организации для обслуживания дома, включая государственные жилищно-эксплуатационные и ремонтно-строительные организации, кооперативы, частные фирмы и иные субъекты хозяйствования, заключает договоры на обслуживание и ремонт дома;
- в) обеспечивает участие собственников квартир - членов КСК во всех расходах, связанных с содержанием и эксплуатацией жилого дома, в долях, соответствующих количеству занимаемой площади на каждого проживающего;
- г) обеспечивает своевременное поступление взносов, предназначенных на содержание и эксплуатацию жилого дома, на расчетный счет КСК;
- д) своевременно принимает и оплачивает работы по обслуживанию и ремонту здания;
- е) обеспечивает выполнение всеми членами КСК установленных правил пользования жилыми помещениями, и придомовой территорией;
- ж) может выступать Заказчиком на коммунальные услуги (водо-, газо-, тепло- и электроснабжение и др.), заключать договоры с соответствующими предприятиями на оказание этих услуг;
- з) применяет санкции к организациям, обслуживающим дом (дома), к иным предприятиям, а также лицам, оказывающим услуги КСК, при неудовлетворительном выполнении договорных обязательств;
- и) имеет право сдавать в аренду другим организациям и частным лицам свободные нежилые помещения;
- к) имеет право приобретать и владеть оборудованием, инструментами, техникой и другой собственностью необходимой для выполнения функций по содержанию жилого дома и прилегающей территории.
- л) имеет право заниматься коммерческой и иной хозяйственной деятельностью самостоятельно или на условиях долевого участия в целях получения дополнительных финансовых или материальных ценностей для обеспечения функционирования КСК;
- м) занимается иной деятельностью, направленной на обеспечение прав членов КСК и защиту прав потребителей;

III. Средства

9. Средства КСК состоят из текущих взносов на содержание и эксплуатацию дома (домов) и придомовой территории, а также: займов,

кредитов, субсидий, безвозмездных пожертвований и доходов от коммерческой и другой экономической деятельности.

10. Взносы на обслуживание и ремонт дома и придомовой территории осуществляются в размерах, обеспечивающих покрытие всех общественно необходимых затрат на указанные виды работ и услуг, включая отчисления на капитальный ремонт дома. Размеры взносов определяются Правлением на основе договоров на обслуживание и ремонт приватизированных жилых домов а также других статей доходов и расходов кооператива.

11. По решению общего собрания КСК может организовать специальные фонды (на благоустройство территории, культурно-воспитательную и спортивно-оздоровительную работу, оплату, премирование членов правления и др.).

IV. Члены КСК, их права и обязанности.

12. Членами КСК являются все без исключения собственники квартир расположенных в доме (домах), на базе которых создан КСК.

13. Члены КСК осуществляют право на жилое помещение в соответствии с действующим законодательством.

14. Член КСК имеет право:

а) избирать и быть избранным в правление КСК и ревизионную комиссию;

б) передавать свои права (нотариально) доверенному лицу, с правом отзыва этих прав в любое время;

в) получать полную информацию о деятельности КСК, включая протоколы собраний, бухгалтерскую и другую информацию;

г) оспаривать решения общего собрания КСК, правления и ревизионной комиссии в государственном арбитраже или суде;

15. Член КСК обязан:

а) выполнять требования Устава КСК и решения общего собрания членов КСК и Правления;

б) использовать площадь по назначению, обеспечивать ее сохранность, соблюдать правила пользования жилыми помещениями, содержания дома и придомовой территории;

в) осуществлять ежемесячную плату за обслуживание и ремонт дома;

16. При временном выезде член КСК сохраняет права и имеет обязанности, предусмотренные настоящим Уставом.

17. Средства, внесенные членами КСК на проведение ремонта дома, включая капитальный, а также другие цели, согласно Устава и решением правления КСК, возврату не подлежат. Задолженность лица, вышедшего из КСК, по платежам КСК взыскивается в установленном порядке.

18. В случаях разрушения и порчи жилого здания или участка жилого дома владельцами квартир и членами их семей, их гостями или их жильцами, а также систематического нарушения правил гражданского общежития, делающего невозможными для других совместное проживание в одном доме, виновные

несут ответственность за возмещение КСК и жильцам нанесенного ущерба в соответствии с действующим законодательством.

19. Споры между КСК и его членами, а также между КСК и частными лицами, государственными учреждениями, предприятиями, кооперативами и иными организациями рассматриваются в установленном порядке.

V. Органы управления

20. Органами управления КСК являются общее собрание КСК и правление КСК.

Va. Общее собрание

21. Общее собрание членов КСК является высшим органом КСК и решает следующие вопросы:

- а) принятие Устава КСК и внесение в него изменений;
- б) выборы правления и ревизионной комиссии КСК;
- в) обсуждение и утверждение бюджета КСК, образования фондов КСК и порядка их расходования;
- г) рассмотрение жалоб;
- д) обсуждение и утверждение отчета правления КСК о финансово-хозяйственной деятельности за истекший год и финансово-хозяйственного плана на следующий;
- е) ликвидация КСК;
- ж) иные вопросы, находящиеся в компетенции КСК.

22. Очередное общее собрание КСК проводится не реже одного раза в течение календарного года. Ежегодное собрание проводится в ____ (первый, второй или третий и т.д.) (понедельник, вторник среду и т.д.) (месяца) каждого года. На ежегодном собрании избирается правление кооператива.

23. Внеочередное общее собрание КСК созывается по требованию более 20% общего числа членов КСК, ревизионной комиссии или правления.

24. Общее собрание членов КСК признается правомочным, если на нем присутствует не менее 51% общего числа членов КСК (или доверенных лиц).

25. Решения принимаются общим собранием простым большинством голосов присутствующих членов (или их представителей), за исключением пунктов _____, по которым требуется единогласное решение собрания;

26. Повестка дня собрания рассылается не менее чем за 20 дней до начала собрания.

Vб. Правление

27. Правление КСК в количестве _____ (нечетное число, не менее 3) членов избирается общим собранием сроком на 1 год. Основными должностными лицами КСК являются председатель, заместитель председателя,

секретарь и казначей. Должности секретаря и казначея могут совмещаться одним и тем же лицом.

Председателем КСК становится лицо, получившее наибольшее количество голосов при выборах членов правления. Остальные должностные лица кооператива избираются на должности по усмотрению правления на организационном собрании его состава.

Члены правления исполняют свои обязанности на общественных началах, либо за плату по решению общего собрания членов КСК.

28. Правление является исполнительным органом КСК, подотчетным КСК, общему собранию. В обязанности правления входит:

а) заключение договора на обслуживание и ремонт дома, а также иных договоров, связанных с деятельностью КСК;

б) составление планов, смет и отчетов;

в) осуществление контроля за содержанием и ремонтом дома, соблюдение обязательств по договору на обслуживание дома и его ремонт.

г) наем рабочих и служащих для обслуживания дома и придомовой территории и установление им вознаграждения;

д) распоряжение средствами КСК в соответствии с утвержденной общим собранием сметой доходов и расходов;

е) представительство интересов КСК в государственных учреждениях, предприятиях, общественных и иных организациях;

ж) контроль за поступлением взносов от членов КСК, установленных общим собранием КСК, а также платы за коммунальные услуги, других платежей; в случае несвоевременного внесения членами КСК соответствующих взносов и платежей принимает меры к их взысканию в установленном порядке;

з) ведение делопроизводства, бухгалтерского учета, составление отчета;

и) выполнение других обязанностей, вытекающих из устава.

29. Правление КСК имеет право распоряжаться средствами КСК, имеющимися на его счете и в банке в соответствии с финансовыми и иными планами, утвержденными общим собранием членов КСК.

30. Если в правлении возникает вакансия по причине иной, нежели смещение одного из его членов голосованием членов кооператива, такая вакансия заполняется большинством голосов оставшихся членов правления, даже если при этом нет кворума. Избранный таким путем член правления остается в должности до выборов, проводимых на следующем собрании кооператива.

31. Любой член (или члены) правления может быть смещен (смещены) с должности большинством голосов собственников помещений с указанием причины смещения на очередном или внеочередном собрании кооператива, созванном согласно процедуре. На том же собрании может быть избран его преемник . Любой член правления, которого собственники помещений предлагают сместить с должности, получает возможность выступить на данном собрании.

32. Организационное собрание вновь избранного правления проводится не позднее 10 дней после выборов по месту, установленному членами правления.

33. Время и место очередного собрания правления периодически устанавливается большинством членов правления, но такие собрания проводятся не реже 4 раз в течение календарного года.

34. Внеочередные собрания правления созываются его председателем посредством соответствующего уведомления каждого члена правления за 3 дня до даты собрания. Таким же образом и посредством такого же уведомления внеочередные собрания правления могут созываться его председателем или секретарем по письменному ходатайству не менее 3 членов правления.

35. На всех собраниях правления кворумом для ведения дел является большинство его членов. Действия кворума являются действиями правления. Если на собрании правления не окажется кворума, члены правления вправе перенести его на другой день.

36. Председатель является первым лицом КСК. Председатель руководит всеми собраниями кооператива и его правления. Председатель имеет все общие права и обязанности председателя любого объединения, в том числе право назначать членов комиссий из числа собственников помещений для оказания ими содействия деятельности кооператива.

37. Заместитель председателя берет на себя функции председателя в случае его отсутствия или невозможности выполнения им своих обязанностей. В случае невозможности выполнения своих функций как председателем, так и заместителем председателя, правление назначает из своего числа временно исполняющих их обязанности. По просьбе правления заместитель председателя исполняет также другие функции.

38. Секретарь ведет протоколы всех собраний правления и всех собраний кооператива, отвечает за всю направляемую ему (ей) правлением документацию и выполняет все прочие присущие должности секретаря обязанности.

39. Казначей несет ответственность за фонды и ценные бумаги КСК, а также за полноту и точность учета всех поступлений и расходов в бухгалтерских книгах кооператива. Ревизионная комиссия консультирует казначея и всячески содействует выполнению его обязанностей.

VI. Ревизионная комиссия.

40. Ревизионная комиссия в составе не менее 3 членов избирается общим собранием членов КСК сроком на 1 год и является органом контролирующим деятельность правления и отдельных его членов.

41. Ревизионная комиссия избирает из своего состава председателя комиссии. Ревизионная комиссия проводит ревизию не реже 1 раза в квартал, а также внеочередные ревизии по требованию членов КСК, составляющих не менее 20% от числа участников, либо по собственной инициативе.

42. Члены правления, казначей, обязаны предъявлять ревизионной комиссии любые документы КСК. Ревизионная комиссия вправе привлечь к работе стороннего ревизора с оплатой его услуг за счет средств КСК. При числе членов КСК менее 20 вместо ревизионной комиссии общим собранием членов КСК избирается ревизор.

**A GUIDE TO THE FORMATION OF A
COOPERATIVE OF APARTMENT OWNERS
[DRAFT]
February, 1995**

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INTRODUCTION

This study guide is intended to be used in conjunction with a training workshop on the formation of Cooperatives of Apartment Owners conducted by the city with technical assistance from The International City/County Management Association. The guide will provide the reader with a review of the major topics discussed in the workshop. Following the workshop, trained residents may use the study guide to pursue independent study outside of the workshop training. The guide also contains a series of study questions designed to stimulate discussion among workshop participants. The guide and the study questions may also be used by emerging Cooperatives of Apartment Owners undertaking further study in the formation of a cooperative with the residents of a privatized premises.

Included in the guide are exhibits of key documents necessary to register a cooperative. It is important that you become familiar with these documents. If you have an attorney assisting you in the formation of your cooperative you may want to have your attorney review the documents prior to their being adopted by the owners at the General Assembly.

CHAPTER I

WHY SHOULD WE FORM A COOPERATIVE OF APARTMENT OWNERS?

Cooperatives of Apartment Owners are intended to help residents of privatized housing become more involved in the decision making and management of their home. By becoming involved in the decisions affecting your home, you have more control over your family's and your communities future and gain a sense of accomplishment.

An organized cooperative can make positive contributions to the larger community as well as to your building. Individual involvement also may lead to individual success and self-sufficiency. Through participation in a cooperative, individual residents develop new skills and strengthen existing skills. Newly developed skills may qualify cooperative members for a variety of jobs emerging in the changing economy of the Republic.

A properly formed and active Cooperative of Apartment Owners can work in partnership with local government officials to help improve all aspects of community life by identifying areas needing attention and by working together to achieve better living conditions. A cooperative may act as a sounding board on policy matters affecting the residents and may serve as an advocate to help communicate mutual concerns to government officials and outside agencies. An active cooperative representing a number of residents is far more effective in soliciting and obtaining assistance from outside agencies than would be realized by individual residents. A cooperative will be more successful than one or two individuals in working with city, town or Republic officials in improving security through better lighting of streets and public areas or improved police patrols, if needed.

It has been recognized by the Republic, the city and numerous owners who have already formed cooperatives that the city no longer has the resources needed to effectively manage and maintain the housing stock. By assuming the responsibility for the management and maintenance of your building, you are actively involved in protecting your most valuable asset—your apartment. We are certain that you will discover that improving your building is the best, — and maybe the cheapest— investment a family can make.

Nobody is born with the knowledge necessary to successfully

assume responsibility for the management of their property; however, like all skills, knowledge is acquired through study and experience. This guide, along with assistance from the government and ICMA is intended to help you develop the knowledge necessary to begin to assume the responsibilities of management of your community. You must be willing to put forth the time, hard work and commitment necessary to accomplish the task. It will not be easy. Learning how to do something for the first time is always difficult, but with your perseverance and desire to succeed, and with a sincere commitment on the part of your local government, we know you will be successful and have a better quality of life for you and your family.

WHAT IS THE FUNCTION OF THE COOPERATIVES OF APARTMENT OWNERS?

The model bylaws, included as Exhibit A of this Guide, state that:

The purpose for the formation of a Cooperatives of Apartment Owners is to provide the appropriate maintenance of the occupied residential area, the building as a whole, and the attached land parcel, as well as to arrange for the provision of the Cooperatives of Apartment Owners members with communal services, to represent and to protect their interests as consumers of communal and other services and to collaborate with governmental and non-governmental organizations for a better quality of life.

In addition to providing a legal basis for the establishment of the cooperative, the bylaws delineate the roles of participants and provide a guide to the proper operation of the cooperative. We will identify the key roles and provide a description of the associated duties.

WHAT IS EXPECTED OF YOU AND OTHERS INVOLVED IN THE EFFORT?

The Role Of The Local Government

The local government must be supportive of Cooperatives of Apartment Owners. Your local officials have already made a commitment to the program and have attended training sessions to help them learn the skills necessary to help you. They have indicated their support of cooperative by passing a resolution encouraging the formation of Cooperative of Apartment Owners and establishing procedures for the recordation of newly formed cooperatives, thereby establishing the legal basis for you to join your neighbors in forming a legally recognized body with specific authority and powers.

Individual local governments may choose to do more to help support emerging cooperatives by providing ongoing staff assistance, meeting space, and limited professional assistance in processing the application and registration of a Cooperative of Apartment Owners. In your training sessions, and through your discussions with the city, you will learn about the services, benefits and incentives that are available to you as a Cooperative of Apartment Owners.

Your Role, And The Role Of The Other Residents

It is important that a Cooperative of Apartment Owners is run by the residents with all of the residents having an opportunity to participate. The city can only assist the cooperative, and then only if requested. Everyone involved must recognize that together, common concerns can be resolved to everyone's benefit. Trusting relationships evolve out of cooperative attitudes and mutual respect for one another. Problems will arise. If there are initial problems, work to correct them quickly. Residents, the cooperative leadership and the city must not fight against each other. Adversarial relationships rarely accomplish anything good. The more everyone

cooperates with one another, the more that will be accomplished for the common good.

You may ask, "how can I join a Cooperative of Apartment Owners?" Well, you cannot join. Once the cooperative has been properly established under the law by the owners of apartments within a building or group of adjoining buildings, you automatically become a member of the cooperative by being an owner of an apartment. Of course, it follows that an owner remains a member of the cooperative until his or her ownership ceases. If the government still owns any apartments in the building, then the government will be a member of the Cooperative representing those apartments. No one person is the cooperative. The Cooperative of Apartment Owners is comprised of all the owners of the apartments acting together as members of the cooperative.

The Role Of The Owners In An Established Cooperative of Apartment Owners

The owners acting together as the Cooperative of Apartment Owners are responsible for administering the cooperative, managing the common property, approving the annual budget, and collecting monthly assessments from the apartment owners. The members of the cooperative may delegate the management of the cooperative to an Executive Board or may hire a property manager, or a combination of both. When the members of the cooperative come together for their annual meeting to elect the Executive Board and conduct other important business of the cooperative, the meeting of the owners is not referred to as a meeting of the Cooperative of Apartment Owners, but is now termed a General Assembly. It is a little confusing, but think of the cooperative members as a group of partners in a business, and the business is the management and maintenance of the buildings comprising the cooperative. The partners will come together several times as needed to conduct routine business matters; however, major decisions, and very important matters such as approving the budget or electing the Executive Board will require a more formal gathering of the owners in what is called a General Assembly. Hopefully things will become clearer when we discuss the General Assembly in more detail, but first we will describe the role of the Executive Board.

The Role Of The Executive Board

An Executive Board is elected by the members of the cooperative at the first official meeting of the cooperative (the Organizational Meeting). The number of members of the Executive Board and the length of the term of office will be determined by the members and the bylaws they approved for the cooperative. Only owners may serve on the Executive Board, and the candidate who receives the highest number of votes shall be named chairperson. Members of the Executive Board may only be dismissed during their term of office for cause and upon the affirmative vote of a majority of the members at a meeting of the General Assembly.

Except for powers exclusively reserved to the members in the Bylaws, the Executive Board may act on behalf of the cooperative in managing and operating the

cooperative. The Executive Board may hire personnel or appoint other persons as it deems necessary for carrying out its responsibilities.

The chairperson of the Executive Board is your spokesperson. The chairman of the cooperative may represent the cooperative in executing contracts and otherwise assuming obligations on behalf of the members, and may represent the cooperative against third parties, including in legal action brought by the cooperative, or in legal action brought by a member to challenge a decision made by the cooperative.

Role Of The General Assembly

The General Assembly is the coming together of all of the members to hold a meeting to conduct the important and necessary business of operating the cooperative. The General Assembly should be convened at least once a year, but may be called more often as the business of the cooperative demands. Notice of the convening of a General Assembly must be in writing, and delivered to the members at least 10 days before the General Assembly. The Meeting notice must include the date, time, and place of the meeting of the General Assembly, and an agenda of the matters to be discussed at that time. A General Assembly cannot be called unless 20 percent of the members are present to establish a quorum. Once convened, the General Assembly may be adjourned and reconvened at any time thereafter. Upon reconvening the General Assembly, the members may decide the matters included on the agenda of the first scheduled meeting regardless of whether or not a quorum of 20 percent of the membership is present. However, no new items may be added to the agenda.

To be certain that the General Assembly is representing the wishes of a majority of the members, decisions of the General Assembly shall be made by majority vote when at least 20 percent of the owners cast a vote at the General Assembly. In certain cases, an extraordinary majority is required before the General Assembly may act. The only decisions requiring a unanimous vote from 100 percent of the apartment votes are: ~~(1) the modification of the Cooperation Agreement;~~ (2) the dissolution of the cooperative, and the sale of the entire cooperative property. A ~~unanimous~~ vote from 75 percent of the apartment votes is required for (1) the pledging of the entire cooperative property as security for a loan or mortgage; and, (2) major renovation of the common property or installation of major equipment. *

Each apartment is entitled to one vote. The vote cannot be divided if there is more than one owner of an apartment. If only one owner of a jointly owned apartment is present at a General Assembly, then that person shall be entitled to cast the vote for the apartment. If more than one owner of an apartment is present, the owners shall determine among themselves what their position is and how their vote shall be cast. The vote shall be cast only in accordance with the unanimous agreement of the co-owners, whose consent shall be presumed to have been given if any one of the co-owners purports to cast the votes without protest being made to the presiding officer of the General Assembly by any other co-owner. If an owner owns more than one

apartment within the Cooperative, then that owner is entitled to one vote for each apartment owned.

If an owner is unable to attend a meeting of the General Assembly the owner may select a proxy to cast the vote. Proxy votes must be presented to the presiding officer of the General Assembly prior to the commencement of the meeting. A proxy must be in writing and dated, and must be executed by or on behalf of all co-owners of the apartment for which the vote is to be cast. A proxy shall be revocable only upon actual notice to the presiding officer of the General Assembly, and shall terminate automatically upon the adjournment of the first General Assembly held on or after the date of the proxy.

Careful written records must be kept on the General Assembly. Minutes of the meetings and the decisions of the General Assembly must be put to writing and kept among the records of the cooperative. The minutes of the previous General Assembly must be approved at the next meeting of the General Assembly.

The Auditing Committee

The owners, meeting as the General Assembly, may decide to elect an Auditing Committee consisting of three owners to review the accounts of the cooperative and advise the owners and the Executive Board on the financial affairs of the cooperative. The Auditing Committee members term of office will be one year. The Auditing Committee must make an audit of the finances of the cooperative at least once a quarter, and make a special audit either at the request of at least 20 percent of the member apartments or on its own initiative. The Executive Board must provide the Auditing Committee with any and all documents required for the committee to perform its duties. The Auditing Committee must report to the General Assembly at least once a year on the financial status of the cooperative.

Other Committees

An active cooperative may need to form committee to carry out different activities. Committees are effective because they are more flexible and informal than the larger group, and they are results oriented. In any organization, most of the detail work get done in committees. Most organizations have two types of committees: short-term and standing committees. A short term committee is formed to work on a specific project. If your appointed a committee to interview contractors to work on repairing the balconies, that would be a short-term committee. Once their interviews are completed and they have reported to the Executive Board, they would disband. The Audit Committee discussed above is an example of a standing committee. The committees you need and the number of people on each will be determined by the size of your cooperative and how active it becomes in the lives of the resident families.

Here are some tips on committees:

- To be effective, committees should be relatively small. Not every owner has to serve on a committee.
- Owners volunteering to serve on committees must be certain they have the time necessary for the task.
- Each committee should be headed by a chairperson reporting to the Chairperson of the Executive Committee.
- The committee chairperson, or another person designated by the chairperson should report on committee activities at the meetings of the Executive Board and the General Assembly.
- Any decisions and recommendations made by the committee must be placed before the membership for a vote.

Wow! That is a lot of legal stuff to understand. You may be getting concerned about how you and your neighbors are ever going to establish a Cooperative of Apartment Owners and make it work. Well it is not as complicated as all of the lawyer talk we just read. Beginning the formation of a cooperative is as simple as coming together with your neighbors and talking about the benefits and responsibilities of forming a cooperative. In the next chapter, we will discuss some basic steps to help you organize your building and community into a successful Cooperative of Apartment Owners, but first, test your knowledge with the following questions.

STUDY QUESTIONS

Section I

1). WHAT IS A COOPERATIVE OF APARTMENT OWNERS?

Who are the members, and describe how can you become a member of a Cooperative of Apartment Owners?

What are the responsibilities of the cooperative?

What is your role and the role of your neighbors in the cooperative?

Discuss the role of the Executive Board. Describe how it is formed and who is the chairperson of the Board?

2). WHAT ARE THE BENEFITS OF FORMING A COOPERATIVES OF APARTMENT OWNERS?

Discuss how a Cooperative of Apartment Owners would improve the livability of your apartment community.

How would the larger community, the neighborhood and the city, benefit by the formation of a Cooperative of Apartment Owners?

3). WHAT ASSISTANCE COULD WE GET FROM THE CITY TO HELP US FORM A COOPERATIVE?

What type of help do I think we will need from the city in order to inform my neighbors about the Cooperative of Apartment Owners program?

Will my city offer incentives to owners who form a cooperative? If so, what are they?

4). WHAT IS THE GENERAL ASSEMBLY?

Discuss who makes up the General Assembly, what is the minimum number of meetings that must be held each year?

How are meeting notices given?

If your cooperative had 100 apartments, how many apartment votes would have to support routine issues coming before the General Assembly?

How many apartment votes would have to support: (1) the modification of the Cooperation Agreement, (2) the dissolution of the cooperative and the sale of the

property held in common. How many apartment votes would have to support: (1) the pledging of the entire property as security for a loan or mortgage, (2) the renovation of the common property or installation of major equipment?

CHAPTER II

HOW TO ORGANIZE

An organization is a group of people working together for a common goal. When people come together to work on a common concern or purpose, they develop the power to make positive changes and contributions to the common good. Organizing is learning how to join strengths and talents to make our community a better place in which to live. You do not have to have hundreds of people to make changes. A small group of people who share the same interests or concerns can make a tremendous difference in a community. Help in forming your organization is available to you from your local government. Staff persons have been trained to help you organize your community into a Cooperative of Apartment Owners. We will also provide you with some basic ideas and an understanding of some techniques that have been successful elsewhere, and may work for you.

Where To Start?

The first step is to determine what issues and concerns are most important to the whole housing community in which you live. Although everybody likes something about where they live, it is usually the problems that are the major issues that will bring the community together in hopes of finding a solution. We cannot tell you what the concerns are, and remember, the concerns must be identified as those of a number of the residents, not just your concerns. The best way to find out what the main concerns of your neighbors are is to conduct a survey. Already we are establishing some work tasks that are beyond the capabilities of one person. Hopefully, you have identified a core group of interested neighbors who would like to form a Cooperatives of Apartment Owners and will help you interview your other neighbors. How you engage your neighbors in conversation to discuss their concerns and their interest in forming a Cooperative of Apartment Owners is a matter of your personal choice and comfort level. You could distribute a written questionnaire that your neighbors could complete on their own and return; you could go door to door and engage them in conversation and in so doing complete the questionnaire; you could call them on the telephone; or use any combination depending on the size of your community and the amount of time you and your core group members have to devote to this task. The survey will help you find out what concerns people have. You may want to ask your neighbors to rank their concerns in order of importance because everything cannot be done at once. Among the questions you should ask are:

- What is important to them?
- What needs do they have which are not being met?
- What do they think a cooperative should work on?

- What type of activities would they be interested in?
- What do they want from the cooperative?
- How are they willing to help, if at all?
- What are three assets of the community? (This will help your cooperative emphasize the positive aspects of the community.)

The second step is to find out what help is available to assist you. The local government Cooperatives of Apartment Owners staff person will be able to help you understand the legal steps necessary to form your cooperative. It will be very helpful to talk to members of other established cooperatives and determine how they formed their community. The local government office for housing cooperatives should be able to provide you with the names of established cooperatives. When you contact other associations, ask:

- How they surveyed their community
- How they organized a council and the residents
- What were some of their stumbling blocks
- What they are doing now

Using The Survey Material

Prioritize the survey responses identifying what the majority of the people on the council want to work on first. Your goal is to establish a Cooperative of Apartment Owners but the best way to enlist the support of your neighbors is to ask what is important to them, listen to what they say, and focus on their concerns as you move closer to establishing the cooperative. The survey will also allow you to identify residents who are interested in helping form the cooperative and serve in a leadership capacity.

How To Recruit Members

Getting people to commit to the development of the cooperative is your next step. Remember, not everyone will be ready to join and support your efforts to establish a Cooperative of Apartment Owners. Some will be skeptical and may never fully support the concept of the cooperative. If you are able to get them to attend the organizational meeting, hopefully, the presence of your neighbors who support the cooperative concept will help persuade them to participate. Also remember that not everyone who chooses to support the cooperative program will commit the time to serve as an officer, or even be actively present in the meetings of the owners. If you have 20 percent of the apartments involved in the meeting, you are doing well. Remember, when you have important business to conduct you will need over 50 percent of the owners to vote, and in some instances over 80 percent must participate in the voting. The same techniques you used in completing the survey will help you in recruiting participants:

- Knock on doors

- Call them on the telephone
- Distribute flyers or
- A combination of recruiting methods

The best way to contact your neighbors is with a personal visit to their door. A personal contact shows that the material you wish to discuss is important and that you care enough about their involvement to make a personal call. Again, enlist the help of other neighbors in making the contacts. Start with the people you know will be receptive to the formation of a Cooperative of Apartment Owners. They will make your first contacts easier and will give you some practice for contacting neighbors you do not know as well, or who will need additional convincing.

Your contacts may go something like this:

Good Evening. I am Vera Barisavich. I live in apartment 16 and I am talking to people in our building about forming a Cooperative of Apartment Owners to improve the maintenance of our building and protect our property. May I have a few minutes of your time to get your opinion on a few topics of importance to all of us.

Give people time to think about what you are telling them. Do not pressure people to "join". If they seem cautious invite them to a informational meeting. Be certain to have the meeting date, time and place set in advance so you can leave a flyer with the meeting information.

When someone shows an interest in what you are describing, be positive in your comments, making a special effort to talk about the benefits of the Cooperative of Apartment Owners model of management. Discuss the main problems that the survey identified as the primary concerns of the residents. Being positive about the benefits of the cooperative and specific about the expectations may lead you to say something like this:

We are forming a Cooperative of Apartment Owners to improve the maintenance of the stairwells and yards. We want to organize ourselves in order to get the money we are now paying to the city maintenance office and use it ourselves to clean and fix things around here. We know we can do a better job. Will you come to our informational meeting to be held in apartment 24 at 7:00 p.m. on Monday April 4. We need your comments and suggestions.

When making your contacts, it is important that you keep in mind the following suggestions:

- Be certain to introduce yourself and identify yourself as one of the owners in the community.
- Be polite. If they do not have time to talk to you, thank them for the time they have given and commit to calling back at a later time.
- Be yourself. You are just talking neighbor to neighbor.
- Know your subject. Practice your contact techniques on your family and friends.

- **Talk about one thing at a time. Do not overwhelm them with too much information.**
- **Give the person a chance to get into the conversation**
- **Know when to listen and when to talk**
- **Do not make promises you cannot keep**
- **If you do not know the answer to a question, say so and try to find the answer and get back to them**
- **Do not gossip about other neighbors.**
- **Leave information about the cooperative and the informational meeting before you leave**
- **Thank them for their time and hospitality.**

STUDY QUESTIONS

Section II

1). WHO IN YOUR BUILDING OR GROUP OF BUILDINGS WOULD YOU INCLUDE IN YOUR CORE GROUP TO FORM A COOPERATIVE OF APARTMENT OWNERS?

What talents or strengths does this person have that prompted you to select the person for the core group?

What are the talents and strengths that you have that would be helpful to the Cooperative?

2). DESCRIBE HOW YOU WOULD BEGIN CONTACTING THE APARTMENT OWNERS AND INFORMING THEM ABOUT THE COOPERATIVE OF APARTMENT OWNERS PROGRAM.

What techniques do you believe would work best in your building?

If you were being surveyed, how would you react? Would you invite the surveyor into your apartment? Would you prefer a telephone conversation or a personal visit?

If you were conducting the survey how would you prepare for the owner visits?

How would you conduct your survey of the owners in your building? Describe in detail the time of day and the process you would use in conducting the interview. Start with the initial knock on the door to the close of the interview.

3). WHAT QUESTIONS WOULD YOU INCLUDE IN A QUESTIONNAIRE TO BE USED IN INTERVIEWING YOUR NEIGHBORS?

How many questions do you believe should be included on the questionnaire?

How long should an interview discussion take?

What written information about the Cooperative Of Apartment Owners Program do you want to leave with the owner? Should this include information about the informational meeting?

4). WHAT INFORMATION ARE YOU HOPING TO GAIN FROM THE QUESTIONNAIRE AND OWNER INTERVIEWS?

CHAPTER III

HOW TO FORM A COOPERATIVE OF APARTMENT OWNERS

This section will provide a summary of some of the key topics we have covered so far. Your decision to include each step will be determined by the size of your community, the amount of knowledge they already have about Cooperatives of Apartment Owners, and the support you have from other residents and the city.

Here are the key steps:

1. IDENTIFY THE CORE LEADERSHIP

Talk to the owners you know are interested in forming a Cooperative of Apartment Owners. This group will form your core leadership. Their commitment and time will be essential to the success of the formation of the cooperative.

2. DEVELOP A QUESTIONNAIRE

Include questions to solicit your neighbors' comments on what they like about their community and what they would like to change. Ask questions that will help you determine how much they already know about Cooperatives of Apartment Owners, and a few non-threatening questions about their willingness to be actively involved in helping form and operate a cooperative.

3. MEET WITH THE CORE TEAM

Establish a date, time and place for the informational meeting. Give yourselves enough time to contact the neighbors, conduct the questionnaire interviews, and make follow-up contacts. Begin to develop an agenda for the informational meeting, and a tentative date for the organizational meeting. Determine if you are going to invite guests such as city representatives or ICMA staff to speak at the informational meeting. Make the preliminary arrangements.

4. PUBLICIZE YOUR ORGANIZATIONAL EFFORTS

Use flyers, letters placed in mail boxes, and personal contacts with people you already know and socialize with who live within the community. If your city has used the publicity video on local television, reference the video in your publicity material to let your neighbors know that they are a part of a larger program.

5. CONDUCT THE DOOR TO DOOR QUESTIONNAIRE INTERVIEWS

Use the friendly neighbor techniques we discussed earlier. Try to record the responses just as they were given to you. Be certain that the core team reviews the responses and uses the data to help establish short and long term goals for the cooperative. Use the questionnaire responses to identify additional leaders.

6. *HOLD THE INFORMATIONAL MEETING*

Start the meeting on time, limit the agenda to the basic topics that must be discussed, encourage and illicit a commitment to participate from the attendees, and announce the date, time and place for the Organizational Meeting for the cooperative. Try to hold your meeting down to one or at the most, two hours.

7. *CONDUCT THE ORGANIZATIONAL MEETING*

Be prepared. Have the model bylaws ready for review and adoption. Have enough copies for everyone to review. Know how to conduct an election of officers. Have a description of each office and the duties of the officer. Determine if guests will be in attendance to help answer questions about the Cooperative of Apartment Owners, especially its legal status and the proper method of establishing and recording the cooperative. If no one from the city will be in attendance, have a letter of explanation and support available to distribute or read aloud.

Adopt the bylaws. Elect the Executive Board. The member receiving the largest number of votes is the chairperson. Establish any standing committees identified in the bylaws. Agree on a procedure for conveying the adopted bylaws to the city for proper recordation. Establish a date for the next General Assembly, or a special meeting of the cooperatives.

CHAPTER IV

HOW TO RUN SUCCESSFUL MEETINGS

Most people do not like to go to meetings. Not only are we too busy, many meetings are boring and not very productive. But if properly planned and properly conducted, meetings can be productive and helpful. In this section, we will give you some ideas on how to plan, advertise and conduct a productive meeting to help you form your Cooperative of Apartment Owners.

Meetings do not run themselves—they are managed. We had all attended meetings that have not been properly managed, and it is frustrating and a waste of time. But a properly trained meeting manager will keep things focused and moving along. A good meeting manager will also make certain people are encouraged to participate and will take care to assure that all who wish to speak are given the opportunity to be heard.

Tips For Planning Your Meeting

If you have a reason to call a meeting, you have the beginning of an agenda and a meeting plan. Meetings are more likely to go smoothly if someone takes the time to plan.

Some of the tips to remember as you plan your meeting are:

- **Have an Agenda, a reason to meet and a list of the items to be accomplished at the meeting. Write out the agenda ahead of time and, if possible, have enough copies to give one to each person attending the meeting or enough copies for people to share.**
- **Select a Time for the meeting that will assure the best attendance. Keep in mind the work schedules of the people you are hoping to attract. Be mindful of conflicts. Scheduling your meeting when some other major event is going on will limit attendance. Check to make certain you have not scheduled your meeting when a favorite television program like “Santa Barbara” is being aired.**
- **Select a Meeting Place that is easy to get to, and adequate for the number of people you hope will attend.**
- **Keep a Record of the Meeting. Arrange to have someone present to take minutes of the meeting. If you have elected or appointed a secretary, that person would be responsible for keeping the record. In the absence of a recording secretary, the chairperson may appoint someone to take the minutes. Try to make the arrangements ahead of time. Taking minutes of an actively moving meeting is not an easy job, and a person appointed at the last moment may not be mentally prepared to concentrate on the actions taking place and will not provide the record you and the members need for your organization. Establishing the record of the meeting does not mean you have to write down everything everybody says. Some recording secretaries are very talented and can do just that; however, what must be recorded is the movement from one**

agenda item to the next, and a record of any votes or decisions during the meeting.

If your group will require a follow-up meeting, make arrangements ahead of time for the meeting place, and the date and time of the next meeting so that you can announce the next meeting before you adjourn the current meeting.

Chairing The Meeting

The meeting should be conducted (chaired) by the chairperson of the Executive Board, or in his or her absence, the person designated by the chairperson to conduct the meeting. The chairperson opens the meeting and helps move the membership through the agenda items finally bringing the meeting to a close. As a facilitator or leader of the meeting, the chairperson is not necessarily the main person on the agenda for the meeting. Perhaps the main purpose for the meeting is to hear a presentation from the city representative on the formation of the Cooperative of Apartment Owners, or perhaps the main speaker on the agenda is the chair of the financing subcommittee. It is not important whether the chairperson is the main speaker on the agenda or on the agenda at all. What is important is that the chairperson is capable of maintaining order in the meeting, keeping the participants on focus and moving forward through the agenda.

Be A Good Timekeeper

Start your meeting on time. Late comers to a meeting will learn to come on time for the next meeting if you demonstrate that you are punctual and respect that others have arrived on time and are prepared, like you, to get on with the business at hand. Be mindful of the agenda. Try to estimate how much time to allow for each agenda item. Encourage open discussion, but when it is apparent that no new material is being offered, move on to the next item on the agenda. As a leader you are expected to stay with the established agenda. It is also your responsibility to assure that the participants also stay with the agenda. Some people will try to dominate a meeting. Do not be rude, but tactfully let them know that you are in charge and are moving the meeting to another person or topic. This need to tactfully bring focus back to the meeting and get everyone back on the topic is an art that must be developed in order to be an effective chairperson.

Dealing With Troublemakers

Troublemakers are everywhere, and it will not be surprising to have some in your meeting as well. If someone is disturbing the meeting or is speaking very negatively, the chairperson should take charge, address the person directly and let the person know that they are to stop their actions. Being sensitive to a person's feelings is

important; however, it is more important to be concerned about the feelings of all the others present who may become upset by the actions of one person who is allowed to be disruptive. Meetings should be run in a fair and a democratic manner, therefore, criticism and minority opinions should be heard and debated. However, once the concerns are expressed, the responsibilities of the chairperson is to move the meeting forward according to the wishes of the majority.

How Will I Know When To End

The time to end the meeting is when your and the other people have nothing more to say, and the important agenda items have all been addressed. Unfortunately, we do not always know when we have nothing more to say! The chairperson should look for signs of boredom and restlessness. If people are fidgeting, or have nothing more to say, the meeting is over. If a chairperson fails to be attentive to the signals the attendees are giving that they are finished participating, they will move from restlessness to anger, defensiveness and hostility. People resent being held at a meeting that is not going anywhere. Remember, you are trying to build rapport. Do not try to do too much at any one meeting, or you may not have anyone attending the next meeting you call.

Try to end with the membership in a positive mood. The close of a meeting is often the most remembered part of any meeting. When the group is having good feelings about what is going on, and you have completed your tasks, close the meeting. Introducing another topic or idea may bring the euphoria crashing down and leave the attendees with a negative feeling about the whole meeting.

Conduct A Post-Mortum

Now that the meeting is over, take some time to review what was accomplished, what went well, and what could be improved upon. A chairperson asking others to critique the meeting just chaired is not a comfortable thing to do. The people being asked to comment on the meeting will also find it difficult to tell the chairperson what must be said, especially if things did not go well, or if the chairperson was part of the problem. A chairperson is a title worn by a person when serving in the leadership role of the Cooperative. Comments for improvement are not personal, and are only being made to help the chairperson fulfilled the role that is being played in the organization. All owners are involved for the same reason, to establish a successful Cooperative of Apartment Owners. Favorable and not so favorable suggestions for improvement are only being made with that mutual goal in mind.

Follow Through

Posted: Wed, Mar 1, 1995 10:59 PM MTM Msg: RJJF-1658-8309/20
From: (SN:DROSENTHAL, "EMS": <ICMA>, "MBX1": <DROSENTH (a) ICMA (I)DROSENTHAL@>, SITE:MCI)
To: ICMA.ALMATY/KAZPACK
Subj: To Rick from Dale—Kucharzak report II
File item: TAG2.DOS 2/27/95 10:44AM
Attached.

STUDY QUESTIONS

Section IV.

1). YOUR CORE GROUP HAS COMPLETED YOUR APARTMENT VISITS AND CONDUCTED A SURVEY. YOU ARE NOW READY TO CALL THE OWNERS TOGETHER FOR THE ORGANIZATIONAL MEETING.

Describe where, and when you would recommend holding the meeting.

Be specific as to the day of the week and the hour of the meeting.

2). YOU HAVE ESTABLISHED YOUR COOPERATIVE AND HAVE HAD YOUR ORGANIZATIONAL MEETING. THE OWNERS ARE NOW MEETING FOR THEIR SECOND MEETING. YOU ARE THE CHAIRPERSON FOR THE MEETING.

Discuss the order of the meeting that you have set forth in your agenda. Start with the roll call and end with the adjournment, adding any items of business that you would like to have considered.

What are the main areas of management?

Association management typically involves eight areas of responsibility in a common interest community:

- Environment
- Property
- Common services
- Communication
- Finance
- General administration of the association's affairs
- Taxes and insurance
- Assistance on policy matters

What are the ways to carrying out management of the Condominium?

The management scenario selected by the members of the association depends on factors such as the number of apartments in the condominium, the condominium's physical facilities, the services provided to the members, the skills of the members and their willingness to spend their time and effort, and the financial resources available.

The three most common management options available to condominium associations are:

- (1) self-management by volunteer association members
- (2) management by a paid association member or common representative
- (3) management by a professional management firm

What is a self-management by volunteer association members?

In this case the board can run the association with homeowner volunteers. This is usually the most tempting option because there is no additional management cost. It may be a good choice if the associations size and service do not demand much expertise and if board members and other volunteers have the time, knowledge, skills and dedication for the job.

What is management by a paid association member or common representative?

In this case board can hire a paid manager on the association payroll. Hiring an employee manager may be a good idea if the association has enough management work and if the board can find a person with the necessary skills and experience to serve as a professional association manager.

Review your notes and the notes of the recording secretary to identify items that you and others agreed to look into or report on at the next meeting. Nothing will kill participation in future meetings than agreements to do something that are not followed through as promised. It is obvious that care should be taken to not promise or commit to do something that you are incapable or unwilling to complete. A lifetime of broken promises can be turned around by one promise fulfilled.

Insert study questions
CHAPTER V.

FINANCING YOUR COOPERATIVE

Where Does The Money Come From?

Once you have formed and properly registered your cooperative, you have the legal authority to open a bank account in the name of the cooperative, and you will be given the legal stamps to operate your cooperative as a legitimate business under the laws of the Republic. Perhaps the most important benefit accruing to a properly registered cooperative is your ability to collect the fees formerly paid by the apartment owners to the State Housing Concern or the local housing maintenance concern. The owners, acting together as the cooperative will then determine if additional money is to be assessed for maintenance, or if special assessment should be levied to fund major repair and improvement projects. The decisions as to how to spend the funds collected will also be determined by the owners. In this chapter, we will provide the basic knowledge you will need to properly account for the income and expenditures of the cooperative. To further assist you in your record keeping duties, we have provided some sample forms for your use.

The Fiscal Year And The Annual Budget

As a new year begins, most of us wonder what will be in store for us. Although we are unable to look into the future of our own lives, we must think about and plan for the certainties and prepare ourselves to deal with unexpected problems that may cause us to spend money paying for things we had not anticipated. Likewise, we know that problems in the management of our cooperative will arise we must prepare for them by estimating our income and expenses for the fiscal year. The resulting plan, or budget, will help you look into the future of your organization to help you determine if you are going to have enough money to pay for known expenditures and to determine if you will have to set some money aside for major repair and replacement projects to be done in the future.

When the owners come together for the organizational meeting, they will determine the fiscal year (financial year) for the cooperative. Most businesses use the calendar year as the fiscal year. However, some agencies may find it more convenient to use a different continuous twelve month period as the fiscal year. We recommend that the

cooperative designate the calendar year as the fiscal year. This will require that you start your record of financial transactions on the first day of January each year, and close the records (books) on the last day of December.

Cooperatives of Apartment Owners are new, and few people have any experience in the private management of apartment buildings. As a result, it will be difficult for your cooperative to accurately budget for your first year of operation. What you will discover is that budgeting is a time consuming task that will require you to start the process early on and to monitor your actual income and expenses for your current year in order to better plan for your next year budget. It is recommended that you start the budget process 60 days before the end of your fiscal year. This will require that the owners, began the work on next years budget in November of the current year. After your cooperative has been in operation for a few years, you will gain enough experience and accurate records to enable you to develop accurate budgets. However, you cannot postpone this important task. Start your budget process early enough to assure that a draft budget is ready for consideration by General Assembly 30 days prior (October 31) to the end of the fiscal year. If the owners meeting as the General Assembly fail to approve the budget, the power of approval is transferred to the Executive Board; however, the Board cannot approve a budget containing annual expenditures that exceed corresponding expenditures from the previous year by more than 20 percent.

Expenses can be expected to increase each year as the effects of taxes, wage and management costs rise in response to inflation. Demands for additional repairs and improvements will also increase the need for larger reserves.

Projecting Income

Your cooperative will have several sources of income, which may include the following:

- Regular Assessment Income

Under this income category you will record all of the monthly payments you will receive from the owners. The amount of the monthly assessment will be determined by the owners at the annual General Assembly. Initially, the monthly assessment will be the same as the management fee paid to the city maintenance administration.

- Interest Income

The money you have on deposit in the bank account established for the cooperative will earn interest. By first anticipating the deposits you will make to your reserves bank account, and knowing the interest paid by the bank, you will be able to accurately project interest income for the coming year. Account for your interest separately from other income received.

- **Special Assessments**

If at a General Assembly, the owners have established some special capital projects and levied the special assessments that they will pay to fund the projects, it will be necessary to create a separate account category for the funds. It is not necessary to open a special account, but the revenue collected should be accounted for separate from other income received. If it is easier for you to keep the funds separate by opening a separate bank account, you should get the approval of the Executive Board and do so. Estimating the pro rata share for special capital projects is not very difficult. Once the owners have established the special project, and the date for completion, determine the appropriate monthly share of the cost each owner must pay. Your task becomes the completion of some simple mathematical calculations. The first step is to divide the cost of the project by the amount of time from approval to project completion and in so doing, determine how much money will have to be deposited into the bank each month so that at the time the project is begun, sufficient funds are available to complete the project. Once you have determined the amount of money you will have to deposit monthly, the second step is to determine the prorated share that must be paid by each owner so that the revenue schedule can be met. If each apartment has an equal share of the cost, the calculation is a matter of dividing the total monthly revenue needed by the number of apartment apartments. If the owners have approved several special capital projects, you would follow the allocation process at set forth above for each project. You do not have to open separate accounts for each capital project, but you must maintain accurate ledger accounts for each capital project that accounts for the revenue assessed and received toward each of the approved capital projects.

- **Special Revenue**

Revenues that may come to the association in an irregular manner are difficult to estimate, however, for budgeting purposes, you should try to estimate how much income might be received for such non routine revenues such as late fees charged against owners who are delinquent in their monthly payments to the cooperative. Irregular sources of income such as this are called non recurring income. One time revenues such as that which might be realized through the sale of an apartment owned by the cooperative should be classified as non recurring. Special one-time-grants received from the government would be classified as non recurring if they are paid in one payment. If payments would be made in a number of fixed installments over a set period of time, they would be recurring. An example would be income from commercial rents that will be made monthly to the cooperative.

Each owner must pay the allocated share of assessments. If owners do not pay the cooperative the assessments it needs to operate, it will be forced to spend time and resources to collect from the delinquent owners. If the cooperative does not have the money it needs to manage the premises it will be forced to cut back on maintenance and services. If revenues are not paid as scheduled and the cooperative is forced to curtail basic maintenance and delay needed capital improvements, the condition of the

property will deteriorate and may cause the value of the property and your investment to decline.

Projecting Expenses

It will be difficult to predict expenses until you gain additional experience in operating your apartment building. However, it will be necessary to begin to estimate operating costs to meet the basic maintenance tasks and to establish repair and replacement goals. As stated earlier, the maintenance projects to be undertaken by the cooperative must be determined by the owners, however, for our discussion purposes, let us look assume that the owners have decided that one of the goals is to improve the maintenance of the stairways.

The first step is to break the goal into its tasks. In our stairway example, the first task is to improve the cleanliness of the stairway by establishing a program to have the stairs swept clean every day. Our next decision is who will perform this task? Do we assign the duties to individual apartment residents on a volunteer rotational basis, or do we hire someone to perform the task for a fee. The approach we use will determine the cost for accomplishing this task that must be included in our budget. Obviously, if residents assume the stair sweeping duties as unpaid volunteers, our costs will be limited to the purchase of brooms and scoops. However, if we hire a resident or an outside person to perform this task, we must now budget for the equipment and the annual cost to pay the person to sweep the stairs daily.

In addition to a daily sweeping of the stairs, our stairway maintenance goal may also include the task of having the stairway washed down once a week. The same logic process must be undertaken to determine who will perform the task, what equipment will be required and how much will we have to budget to pay the person to fulfill this goal over a years time.

In the beginning, residents may decide to undertake certain tasks as volunteers. This will help hold down the operating costs, however, over time, volunteers can lose interest in performing the tasks, and problems may arise if some residents do not perform their responsibilities to the satisfaction of others. As you begin your deliberations on forecasting the budget expenditures for your cooperative, be realistic as to what you are willing to undertake yourselves, and equally realistic as to what you can accomplish with the revenue resources you have at your disposal.

Contracting For Repairs

As you gain experience in managing your building, other maintenance goals will be established. Many of the goals will involve tasks that are beyond the skills and talents of the owners. Repairs to the building roof, foundation and facade are some of the tasks that will be difficult to undertake without the help of skilled people specializing in the needed repairs. Hiring a contractor need not be a difficult task, however, be certain to allow enough time to select the best contractor to perform the repairs. The

selection of the contractor will require that you consult with a number of contractors before you make your selection. At times this may be difficult to do. Emergency repairs will require immediate response and will limit the time you have to shop around prior to committing to a contractor. In some instances, there are limited contractors available in your area that can perform the needed repairs. As more cooperatives are registered, additional businesses will be established to meet the demands of more and more owners assuming the responsibility of maintaining their buildings. As you expand your maintenance goals, and explore the hiring of contractors, you will develop a business relationship with a number of honest, reliable businesses that you will come to rely upon to assist you in meeting your maintenance goals. Always remember that you are the consumer, and take the time to investigate the contractor before you commit to have the contractor perform the work. Check with others who have used the contractor to perform similar repairs. They can tell you if they were satisfied with the work. Check to see if the contractor performed the work on time and on budget. Ask if they would use the contractor again to make repairs on their buildings. As you as owner-customers become more selective in choosing contractors, they in turn will have to improve their workmanship and hold down their costs so as to be more competitive.

Budgeting For Your Maintenance Goals

The current assessments for maintenance will be adequate to allow you to perform simple maintenance tasks such as the cleaning of the stairways. Major tasks, such as extensive roof repairs will require that you obtain an accurate cost estimate to complete the repairs and then present the budget to the owners for their concurrence at the General Assembly. Major repairs will usually result in a special assessment being levied by the owners against all of the apartments. Emergency repairs cannot wait for the annual budget process, and may have to be undertaken quickly to protect the residents or the property. The General Assembly should establish policies that will outline the procedures and identify persons with the authority to commit certain repair expenditures. The policies should address the process for contracting for routine repairs, the process of selecting a contractor and the measures to be taken to correct emergency repairs.

Remember:

- Take the time to analyze the goals and break them down into individual tasks.
- Determine who will have to be hired to perform the task, and what additional costs, such as equipment, are required.
- Be certain to include all the costs necessary to perform the task in your annual budget.
- If additional revenue is needed, determine the amount of the special assessment that will have to be considered by the owners as part of the budget they will adopt at the General Assembly.

- **Chose your contractor carefully. Invite several contractors to bid on your repair job. Allow time to check references. Remember you are the customer, and the contractor needs your business as much as you need the contractors assistance.**
- **Develop procedures for selecting contractors including a mechanism to hire a contractor quickly to correct emergency situations.**

STUDY QUESTIONS

Section V.

- 1) DESCRIBE SOME OF THE EXPENSES YOU ANTICIPATE YOUR COOPERATIVE WILL HAVE ***DURING ITS FIRST YEAR OF OPERATION.***
- 2) HOW MUCH MONEY, AND FROM WHAT SOURCES CAN YOU EXPECT TO RECEIVE DURING YOUR FIRST YEAR OF OPERATION.
- 3) DISCUSS SOME MAJOR REPAIR GOALS AND YOUR APPROACH TO DETERMINING THE SPECIAL ASSESSMENTS THAT WILL HAVE TO BE LEVIED TO ACCOMPLISH THEM.
- 4) DESCRIBE SOME LONG-TERM REPAIR OR IMPROVEMENT PROJECTS THAT YOU WOULD LIKE THE OWNERS TO CONSIDER. DISCUSS THE POSSIBILITY OF ESTABLISHING A SPECIAL REPAIR ACCOUNT TO FUND THIS LONG-TERM GOAL.

РУКОВОДСТВО

по созданию кооперативов собственников квартир

(ПРОЕКТ)

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ВВЕДЕНИЕ

Данное руководство предполагается использовать как дополнение к практическому семинару по созданию кооперативов собственников квартир¹, проводимому городской администрацией при техническом содействии Международной Ассоциации Менеджеров городов (ICMA). Это пособие ознакомит читателя с основными вопросами, которые будут обсуждаться на семинаре. После окончания семинара жильцы, прошедшие подготовку, могут использовать данное руководство для самостоятельного изучения. Руководство также содержит вопросы, составленные таким образом, чтобы вызвать участников семинара на обсуждение. Руководство и вопросы могут использоваться кооперативами собственников, находящимися в стадии становления, для дальнейшего изучения вопросов создания КСК жильцами приватизированных помещений.

В руководство также включены образцы основных документов, необходимых для регистрации кооператива собственников квартир. Очень важно, чтобы вы ознакомились с этими документами. Если при создании кооператива вы воспользуетесь помощью юриста, то ему следует просмотреть все документы до того, как они будут утверждены собственниками квартир на общем собрании.

ГЛАВА 1

ДЛЯ ЧЕГО СОЗДАВАТЬ КООПЕРАТИВЫ СОБСТВЕННИКОВ КВАРТИР?

Кооперативы собственников квартир создаются для того, чтобы помочь собственникам приватизированного жилья более активно влиять на принятие решений, касающихся содержания своего жилья. Активная вовлеченность в процесс принятия решений придаст вам больше уверенности в будущем вашей семьи и того района, где вы проживаете, а также чувство удовлетворения от выполнения поставленных задач.

¹Термин "кооператив собственников квартир" используется для описания группы жильцов, которые вместе образуют юридическое лицо и берут на себя обязанности по содержанию своего здания. Данное руководство заимствовало термин "кооператив собственников квартир" из статьи 21 Жилищного кодекса Республики Казахстан.

Иногда для описания подобной группы жильцов используются термины "кондоминиум" или "ассоциация собственников". Информация, содержащаяся в данном руководстве, применима к любым подобным группам вне зависимости от того, как они называются.

Организованный кооператив собственников квартир может оказаться полезным всему микрорайону, а не только тем, кто проживает в данном здании. Вовлеченность в деятельность кооператива может помочь отдельным людям добиться личного успеха и развить способность полагаться на самого себя. Участвуя в деятельности кооператива, отдельные его члены могут приобрести новые и развить приобретенные ранее умения и навыки. Новые умения могут пригодиться членам КСК для различных видов деятельности, появление которых вызвано меняющимися экономическими условиями.

Оформленный по всем правилам и активно действующий кооператив может работать в партнерстве с представителями местной администрации для того, чтобы помочь внести положительные изменения во все, что связано с условиями проживания в данном районе, путем совместной работы по определению вопросов, требующих внимания, и их решению. Кооператив может стать резонатором по тем политическим вопросам, которые каким-то образом затрагивают интересы жильцов, а также информировать официальные структуры о вопросах, вызывающих озабоченность и беспокойство, на правах представителя жильцов. Активно работающий кооператив, представляющий интересы группы жильцов, может добиться гораздо большей помощи со стороны официальных органов, чем отдельные жильцы. Кооператив добьется большего успеха, чем один или два человека, в работе с городской, областной или республиканской администрацией по вопросам повышения безопасности проживания путем улучшения освещения улиц и других общественных мест и, если необходимо, милицейского патрулирования.

Представители республиканских и городских органов управления, а также многочисленные собственники квартир, которые уже объединились в кооперативы, признают тот факт, что городские органы больше не имеют ресурсов, необходимых для качественного содержания жилого фонда. Принимая на себя ответственность за содержание своего здания, вы тем самым получаете возможность заботиться о самом ценном имуществе -- своей квартире. Мы уверены, что вы скоро обнаружите, что улучшение своего жилого здания -- это самое лучшее, а возможно, и небольшое по объему капиталовложение вашей семьи.

Никто не рождается с готовым представлением о том, как успешно содержать свое жилье, однако, такое знание, также как и необходимые умения и навыки, приходят вместе с опытом и в результате изучения. Наряду с содействием государственных органов и ICMA, данное руководство ставит своей целью помочь вам приобрести знания, необходимые для принятия на себя обязанностей по управлению КСК. Вы должны быть готовы к тому, чтобы посвятить свое время и усилия для выполнения этих обязанностей. Это будет нелегкой задачей. Начало всегда дается непросто, но с вашей настойчивостью и желанием добиться успеха, а также при поддержке местной администрации, вы можете достигнуть поставленной цели и улучшить качество жизни для себя и своей семьи.

ФУНКЦИИ КООПЕРАТИВА СОБСТВЕННИКОВ КВАРТИР

Примерный устав кооператива, помещенный в приложении в данному руководству, определяет следующее:

"Целью создания кооператива собственников квартир является обеспечение должного содержания жилых площадей, всего здания и прилегающего земельного участка, а также организация предоставления коммунальных услуг членам кооператива и защита их интересов как потребителей коммунальных и других услуг и сотрудничество с государственными и негосударственными организациями для улучшения качества проживания."

Кроме создания правовой основы для образования кооперативов собственников квартир, устав также определяет роли участников. Мы предоставим описание основных ролей и связанных с ними обязанностей.

ЧТО ОЖИДАЕТСЯ ОТ ВАС И ДРУГИХ ЗАИНТЕРЕСОВАННЫХ ЛИЦ?

РОЛЬ МЕСТНОЙ АДМИНИСТРАЦИИ

Местная администрация должна оказывать всестороннюю поддержку кооперативам собственников квартир. Представители вашей местной администрации уже продемонстрировали готовность поддержать данную программу и приняли участие в семинаре-учебе, на котором они получили представление о том, что им необходимо сделать для того, чтобы помочь вам. Их поддержка нашла подтверждение в виде принятия постановления о создании КСК и о порядке регистрации новых кооперативов собственников квартир, которое создает правовую основу для того, чтобы вы и ваши соседи по дому могли объединиться в легитимный орган с определенными полномочиями.

Местные администрации могут пойти дальше в смысле оказания поддержки КСК и предлагать регулярную помощь персоналу, помещения для собраний, а также помощь специалистов по рассмотрению заявлений и регистрации кооперативов. На практических занятиях, а также в процессе работы с городской администрацией, вы узнаете о тех услугах, льготах и стимулах, которые предоставляются кооперативам собственников квартир.

Ваша роль и роль других жильцов

Необходимо, чтобы кооператив собственников квартир управлялся самими жильцами и чтобы все жильцы имели возможность участвовать в управлении. Городские органы могут только помогать кооперативу и то лишь в том случае, если к ним обратились за помощью. Каждая сторона должна понимать, что только при совместных действиях общие проблемы могут быть решены на благо каждого. Доверительные отношения могут возникнуть на основе коллективных действий и взаимного уважения. Проблем будет более чем достаточно. Те проблемы, которые возникают в самом начале, необходимо решать очень быстро. Жильцы, руководство кооператива и городская администрация не должны противостоять друг другу. Враждебность в отношениях редко приводит к чему-либо дельному. Чем больше коллективных действий, тем лучше для каждого.

Вы можете спросить: "Как я могу вступить в кооператив собственников квартир?" Все дело в том, что в него не вступают. Как только собственники квартир, находящихся в одном или нескольких соседних зданиях, создают КСК в полном соответствии с законодательством, то вы автоматически становитесь членом кооператива как собственник квартиры. Соответственно, собственник остается членом кооператива до тех пор, пока он или она не утратили права на собственность. Если некоторые квартиры продолжают оставаться в распоряжении городской администрации, то она становится членом кооператива, представляющим интересы тех квартир. Отдельный человек не может составлять кооператив. КСК объединяет всех собственников квартир, действующих сообща.

Роль собственников в кооперативе собственников квартир

Собственники, совместно выступающие в качестве членов кооператива, несут ответственность за управление кооперативом, содержание общих площадей, утверждение годового бюджета, сбор ежемесячных взносов от всех собственников квартир. Члены кооператива могут делегировать функции управления кооперативом правлению кооператива, нанять управляющего имуществом или совместить то и другое. Когда члены кооператива собираются вместе на ежегодную встречу для выборов правления кооператива и решения других важных вопросов деятельности кооператива, то такая встреча называется общим собранием членов кооператива. Эти названия

могут иногда путать, но можно считать, что члены кооператива - группа деловых партнеров, чьим бизнесом является управление и содержание жилых зданий, входящих в состав кооператива. Такие партнеры собираются вместе несколько раз, когда необходимо решить какие-либо текущие вопросы, но принятие решений по таким крупным и важным вопросам, как утверждение бюджета или выборы правления требует проведения более формальной собрания собственников, которое называется общим собранием. Мы надеемся, что это станет более понятным, когда мы детально обсудим роль общего собрания, но сначала ознакомимся с ролью правления.

РОЛЬ ПРАВЛЕНИЯ

Выборы правления проводятся членами кооператива на первом официальном собрании кооператива (организационное собрание). Количество членов правления и срок их полномочий будут определяться членами кооператива, что должно быть записано в уставе, который подлежит утверждению членами кооператива. Членами правления могут быть только собственники квартир, а тот кандидат, который получит наибольшее количество голосов, будет председателем правления. Члены правления могут быть лишены своих полномочий по определенным причинам и с согласия членов КСК, присутствующих на общем собрании.

Кроме тех полномочий, которые закреплены в уставе исключительно за членами КСК, правление может выступать от имени кооператива в вопросах управления кооперативом. Правление может нанимать сотрудников или назначать других лиц, если это необходимо для выполнения обязанностей.

Председатель правления является вашим представителем. Это лицо может представлять ваши интересы при выполнении контрактов или выполнять другие обязательства от имени членов КСК, а также может выступать представителем кооператива в судебных исках против третьей стороны или в иске члена КСК, который хочет оспорить какое-либо решение кооператива.

РОЛЬ ОБЩЕГО СОБРАНИЯ

Общее собрание – это встреча всех членов КСК для решения важных и необходимых вопросов управления деятельностью кооператива. Общее собрание созывается по меньшей мере один раз в год, но может созываться и чаще по мере необходимости. Уведомление о созыве общего собрания должно в письменном виде направляться членам КСК не менее, чем за 10 дней. В уведомлении должны быть записаны дата, время и место общего собрания, а также повестка с включением всех вопросов, подлежащих обсуждению. Общее собрание не может проходить, если на нем нет кворума, составляющего 60% членов КСК. Возможны повторные созывы собрания в любое другое время. При повторном созыве члены КСК могут решать вопросы, включенные в повестку первого собрания, независимо от того, есть 60-процентный кворум или нет. Однако, при этом в повестку не включаются новые вопросы.

Чтобы быть уверенным в том, что общее собрание выражает интересы большинства членов КСК, решения общего собрания должны приниматься большинством голосов при наличии кворума. В отдельных случаях для принятия решений общим собранием необходимо квалифицированное большинство голосов. Согласие 100% членов КСК требуется только в случае роспуска кооператива и продажи всей его собственности. Согласие более 50% присутствующих на собрании членов КСК необходимо в случаях: (1) залога всей собственности кооператива в качестве обеспечения ссуды или ипотечного кредита; (2) капитального ремонта общих площадей или переоборудования.

Каждая квартира имеет один голос. Этот голос не разделяется в тех случаях, когда у квартиры есть несколько собственников. Если на собрании присутствует только один собственник квартиры, находящейся в совместном владении и распоряжении, то ему предоставляется право подачи голоса от этой квартиры. Если на собрании присутствуют несколько собственников одной квартиры, то они решают между собой как голосовать по тому или иному вопросу. Голос подается только с согласия всех собственников квартиры, которое считается полученным если при голосовании одним собственником квартиры другие собственники не подают протест председательствующему на собрании. Если собственник имеет несколько квартир в данном кооперативе, то он или она имеют право голоса от каждой квартиры.

Если собственник не имеет возможности присутствовать на общем собрании, то за него может голосовать доверенное лицо. Доверенные лица должны быть представлены председательствующему на собрании до его начала. Доверенность должна быть составлена в письменной форме с указанием даты и подписана всеми собственниками квартиры. Доверенность автоматически утрачивает свою силу после проведения первого общего собрания на дату, указанную в доверенности или после этой даты.

На общем собрании необходимо вести точно составленные протоколы. Эти протоколы с записью решений собрания составляются в письменной форме и хранятся вместе с другой документацией кооператива. Протокол предыдущего собрания подлежит утверждению на следующем общем собрании.

РЕВИЗИОННАЯ КОМИССИЯ

Собственники, присутствующие на общем собрании, могут принять решение о создании ревизионной комиссии, состоящей из 3 членов КСК, которые будут проверять счета кооператива и давать советы собственникам и правлению КСК по финансовым вопросам деятельности кооператива. Срок полномочий членов ревизионной комиссии определен в один год. Комиссия должна проводить ревизию финансов кооператива по меньшей мере раз в квартал, а также делать специальную проверку по требованию не менее 20% членов КСК или по своей инициативе. Правление должно предоставлять ревизионной комиссии все необходимые документы. Ревизионная комиссия должны отчитываться о финансовом положении кооператива на общем собрании по крайней мере один раз в год.

ДРУГИЕ КОМИССИИ

Активно работающему кооперативу могут понадобиться другие комиссии для выполнения своих функций. Комиссии являются эффективными, т.к. они представляют собой более гибкую и неформальную форму организации, по сравнению с большими группами, которая нацелена на определенный результат. В любой организации большая часть текущей работы выполняется комиссиями. Большинство организаций имеет два вида комиссий: временные и постоянные. Временная комиссия создается для работы по определенному проекту. Например, вы можете назначить временную комиссию для проведения собеседований с подрядчиками на работы по ремонту балконов. После проведения собеседований и подачи отчета в правление такая комиссия может быть распущена. Ревизионная комиссия, которая описывается выше, является примером постоянной комиссии. Число необходимых вам комиссий и число работающих в них определяется в зависимости от размеров вашего кооператива и от того, насколько активно члены ваших семей вовлечены в работу этих комиссий.

О чем следует помнить при создании комиссий:

- Для успешного функционирования комиссии должны быть относительно невелики по размеру. Совсем необязательно, чтобы каждый собственник входил в состав какой-либо комиссии.
- Собственники, добровольно вызвавшиеся участвовать в работе комиссий, должны быть уверены, что они располагают необходимым для этого временем.
- Каждая комиссия возглавляется председателем, который подотчетен председателю правления.
- Председатель комиссии или другое лицо, замещающее его, должен докладывать о деятельности комиссии на собраниях правления и на общем собрании.

Теперь вы видите, что вы должны разбираться во многих организационных вопросах. Вы можете засомневаться, что вам и вашим соседям вообще удастся создать кооператив собственников квартир и начать работу. На самом деле это не так сложно, как может показаться после того, как вы прочитали весь материал выше. Начать создание КСК можно с того, что все ваши соседи встретятся и поговорят о преимуществах создания кооператива и связанных с этим обязанностях. В следующей главе мы обсудим основные шаги, которые помогут вам организовать в вашем доме успешно работающий кооператив собственников квартир, но прежде проверьте себя с помощью следующих вопросов.

ВОПРОСЫ ДЛЯ ПРОВЕРКИ

Глава 1

1) ЧТО ТАКОЕ КООПЕРАТИВ СОБСТВЕННИКОВ КВАРТИР?

Кто является его членами и как вы можете стать членом КСК?

Каковы обязанности кооператива?

Каким образом вы и ваши соседи по дому участвуете в кооперативе?

Обсудите роль правления кооператива. Опишите, как выбирается правление и кто может быть его председателем.

2) КАКОВЫ ПРЕИМУЩЕСТВА СОЗДАНИЯ КСК?

Обсудите, каким образом создание КСК может улучшить условия проживания в вашем доме.

Какие выгоды может получить ваш микрорайон или город в целом от создания КСК?

3) КАКИМ ОБРАЗОМ ГОРОДСКАЯ АДМИНИСТРАЦИЯ МОЖЕТ ПОМОЧЬ НАМ В СОЗДАНИИ КСК?

Какая помощь может понадобиться от городской администрации, чтобы проинформировать население о программе создания КСК?

Предложит ли город какие-либо стимулы для тех собственников, которые создают кооператив? Если да, то какие?

4) ЧТО ТАКОЕ ОБЩЕЕ СОБРАНИЕ?

Обсудите, что такое общее собрание и сколько собраний должно минимально проводиться каждый год?

Как вручать уведомления о проведении собрания?

Если в ваш кооператив входит 100 квартир, сколько голосов потребуется для принятия решений по текущим вопросам до того, как будет проводиться общее собрание?

Сколько голосов требуется для принятия решения по роспуску кооператива и продаже собственности, находящейся в общем владении и распоряжении. Сколько голосов (квартир) требуется для принятия решения (1) заложить все общее имущество в качестве обеспечения ссуды, в частности, ипотечного кредита, и (2) провести капитальный ремонт или переоборудование.

ГЛАВА 2

КАК ОРГАНИЗОВАТЬ КООПЕРАТИВ ?

Организация, это группа людей, работающих вместе для общей цели. Организуясь, люди учатся, как объединять силы и таланты для того, чтобы сделать свой жилой район лучше. Для того, чтобы добиться изменений не нужны сотни людей. Даже небольшая группа людей, разделяющая одни и те же взгляды и интересы, может сделать очень многое для вашего района. Помощь в создании организации вы можете получить в вашей районной администрации. Специально обученные сотрудники помогут вам организовать кооператив собственников квартир. Мы тоже расскажем вам об основных идеях и познакомим с некоторыми приемами, которые с успехом применялись в других местах и, вполне вероятно, подойдут и вам.

С ЧЕГО НАЧАТЬ?

Первым шагом будет выяснение того, каковы основные проблемы и болевые точки вашего жилого дома и микрорайона. Хотя обычно есть многое, что людям нравится в их доме и микрорайоне, но именно проблемы побуждают их объединяться в надежде найти решение. Не забывайте, что это должны быть проблемы всех жильцов, а не только ваши собственные. Наилучший способ определить, каковы эти проблемы - произвести опрос. Вот уже и появилась задача, решение которой не под силу одному человеку. Вероятно, в вашем доме уже есть группа жильцов, заинтересованных в организации кооператива, которая поможет вам интервьюировать других соседей. Как вовлечь соседей в разговор, обсудить их проблемы и заинтересовать в организации кооператива собственников квартир - дело вашего выбора и вашего вкуса. Можно распределить вопросник, который ваши соседи заполнят сами и вернут вам; можно также ходить от двери к двери, вовлекая их в разговор в ходе которого заполняется вопросник; можно звонить по телефону; или использовать любую комбинацию в зависимости от размера вашего жилого сообщества, времени имеющегося у вас в

распоряжении и количества жильцов, входящих в инициативную группу. Опрос поможет вам определить, каковы проблемы людей. Можно также попросить людей расположить проблемы по порядку их важности потому, что все нельзя сделать сразу. Среди вопросов, которые следует задавать должна быть:

- Что важно для вас?
- Каковы ваши насущные потребности?
- Каковы по вашему мнению задачи кооператива?
- Чем бы вам хотелось заниматься?
- Чего вы хотите от кооператива?
- Хотите ли вы помогать работе кооператива и как?
- Каковы три основные преимущества вашего жилого сообщества? (Это поможет членам кооператива подчеркнуть положительные стороны вашего жилого сообщества.)

Вторым шагом будет определение возможных источников помощи. Специалист по организации кооперативов из местной администрации поможет вам понять, какие юридические шаги нужно предпринять для образования вашего кооператива. Очень полезно также поговорить с членами уже образованного кооператива, с тем, чтобы понять как они создавали свой кооператив. Жилищный отдел местной администрации должен предоставить адреса зарегистрированных кооперативов. Вступая в контакт с членами уже образованных КСК, спрашивайте:

- Как они производили опрос жильцов?
- Как они организовывали инициативную группу и жильцов?
- Каковы были камни преткновения?
- Чем они занимаются сейчас?

КАК ИСПОЛЬЗОВАТЬ МАТЕРИАЛЫ ОПРОСА.

Определите приоритеты в результатах опроса жильцов, поймите, над чем большинство людей хотело бы поработать в первую очередь. Ваша цель - создать кооператив собственников квартир и лучший способ заручиться поддержкой соседей, это спросить, что для них важно, внимательно выслушать их ответы и сосредоточиться на решении этих проблем, тем больше, чем ближе вы продвигаетесь к созданию кооператива. Опрос поможет вам также идентифицировать жильцов желающих помочь в формировании кооператива и создать из них руководящий резерв КСК.

КАК ПРИВЛЕКАТЬ ЧЛЕНОВ.

Сделать так, чтобы люди начали создавать кооператив - ваш следующий шаг. Помните, что не каждый будет готов присоединиться и поддерживать ваши усилия по созданию КСК. Некоторые будут настроены скептически и никогда не будут до конца согласны с идеей кооператива. Если вам удастся затащить их на организационное собрание, то возможно, соседи, которые поддерживают идею кооператива смогут убедить их. Также следует помнить, что не все те, кто поддерживает кооператив, смогут уделить время для того, чтобы работать в нём, или даже, чтобы активно посещать собрания. Если вам удастся привлечь 20% собственников квартир к участию в собрании, считайте, что ваши дела идут хорошо. Однако, следует иметь в виду, что для принятия важных решений вам будет необходимо участие в голосовании более 50%

собственников, и в некоторых случаях более 80% собственников должны принимать участие в голосовании. Те же самые приёмы, которые вы использовали при опросе жильцов, помогут вам в привлечении членов:

- Ходите по квартирам.
- Звоните по телефону.
- Раздавайте листовки или
- Пользуйтесь комбинацией всех этих методов.

Лучший способ контакта с людьми, это личный визит к ним. Личный контакт показывает, что то, что вы обсуждаете с ними важно для вас и, что для вас важно их участие. Привлекайте других членов инициативной группы помогать вам вступать в контакты с жильцами. Начинать с тех, кто как вы знаете поддерживает идею образования кооперативов собственников квартир. Это облегчит ваши первые контакты и даст вам необходимый опыт для общения с жильцами, которых вы знаете не так хорошо, или тех, кого нужно убеждать дополнительно.

Ваши разговоры могут звучать так:

Добрый вечер. Я Вера Базилевич. Живу в квартире 16. Я разговариваю с жильцами нашего дома по поводу образования кооператива собственников квартир, для того, чтобы улучшить содержание нашего дома и сохранить нашу собственность. Не могли бы вы уделить несколько минут вашего времени для того чтобы выяснить ваше мнение по нескольким важным вопросам.

Дайте людям время подумать над тем, что вы им говорите. Не давите на людей, чтобы они вступали в кооператив. Если они сомневаются, пригласите их на информационное собрание. Позаботьтесь о том, чтобы знать дату, время и место проведения информационного собрания были назначены заранее, с тем, чтобы можно было сразу вручать жильцам уведомления о собрании.

Если кто-либо проявляет интерес к тому, что вы говорите, старайтесь быть позитивным, делая особый акцент на преимуществах кооператива собственников квартир. Обсудите с ним основные проблемы, выявленные в процессе опроса жильцов. Стремясь отметить положительные стороны кооператива и точно зная, чего вы хотите, вы можете сказать так:

Мы создаём кооператив собственников квартир для того, чтобы улучшить содержание лестничных площадок и дворов. Нам нужно организовать для того, чтобы собрать деньги, которые мы платим в домоуправление и самим потратить их на уборку и починку. Мы уверены, что справимся лучше. Приходите на информационное собрание, которое состоится в квартире 24, в 7 часов вечера. в понедельник, 4 апреля. Нам нужны ваши замечания и предложения.

Разговаривая с жильцами, необходимо помнить о следующем:

- Не забывайте представиться и сказать, что вы живете в этом доме (или микрорайоне).
- Будьте вежливы. Если жильцам некогда, поблагодарите их за то, что уделите вам время и позвоните позже.
- Будьте самим собой. Это просто разговор между двумя соседями.
- Знайте о чём вы говорите. Попрактикуйтесь в технике разговора на своих друзьях или домашних.
- Говорите на одну тему. Не перегружайте людей информацией.

- Дайте собеседнику возможность участвовать в разговоре.
- Знайте, когда надо слушать, а когда говорить.
- Не давайте обещаний, которые не сможете выполнить.
- Если вы не знаете ответа на вопрос, скажите об этом и попытайтесь найти ответ, а затем сообщить об этом.
- Не сплетничайте о других соседях.
- Оставьте уведомление с информацией о кооперативах и об информационном собрании жильцов, перед тем, как уходить.
- Поблагодарите собеседников за гостеприимство и потраченное время.

ВОПРОСЫ ДЛЯ ПРОВЕРКИ.

Раздел 2

1) КОГО В ВАШЕМ ДОМЕ ИЛИ В ВАШИХ ДОМАХ ВЫ БЫ ВКЛЮЧИЛИ В ВАШУ ИНИЦИАТИВНУЮ ГРУППУ ДЛЯ ОБРАЗОВАНИЯ КООПЕРАТИВА СОБСТВЕННИКОВ КВАРТИР?

Какими этот человек обладает способностями или качествами, заставившими вас выбрать его в инициативную группу?

Какими способностями и качествами, которые были бы полезны для кооператива собственников жильцов обладаете вы ?

2) ОПИШИТЕ, КАК БЫ ВЫ НАЧАЛИ СВЯЗЫВАТЬСЯ С СОБСТВЕННИКАМИ КВАРТИР И ИНФОРМИРОВАТЬ ИХ О ПРОГРАММЕ ОБРАЗОВАНИЯ КООПЕРАТИВА СОБСТВЕННИКОВ КВАРТИР.

Какие приемы, по вашему мнению, сработают лучше всего в вашем доме?

Если бы вас стали опрашивать, как бы вы отреагировали? Пригласили бы их в свою квартиру? Вы предпочтете разговор по телефону или личное посещение?

Если бы вы проводили опрос, как бы вы подготовились к посещениям собственников квартир?

Как бы вы проводили опросы собственников квартир в вашем доме? Опишите подробно время суток и процедуру вашего опроса. Начните с первого звонка в дверь и до конца опроса.

3) КАКИЕ ВОПРОСЫ ВЫ БЫ ВКЛЮЧИЛИ В ОПРОСНЫЙ ЛИСТ ДЛЯ ОПРОСА ВАШИХ СОСЕДЕЙ?

Сколько вопросов, по вашему, следует включить в опросный лист?

Сколько времени должен длиться этот опрос?

Какую письменную информацию о программе образования кооперативов вы хотите оставить у своих соседей? Следует ли включить в нее сообщение об информационном собрании?

4) КАКУЮ ИНФОРМАЦИЮ ВЫ НАДЕЕТЕСЬ ПОЛУЧИТЬ ИЗ ОПРОСНОГО ЛИСТА И ОПРОСОВ СОБСТВЕННИКОВ КВАРТИР?

ГЛАВА 3

КАК ОРГАНИЗОВАТЬ КООПЕРАТИВ СОБСТВЕННИКОВ КВАРТИР.

Этот раздел суммирует некоторые из ключевых тем, которые мы уже разобрали. Ваше решение включить каждый шаг будет определяться размерами вашей общины (круга ваших соседей), уровнем знаний, которые они уже имеют о кооперативах собственников квартир, и поддержкой других жителей и городских властей.

Основные шаги:

1. ОПРЕДЕЛИТЬ ИНИЦИАТИВНУЮ ГРУППУ

Побеседовать с соседями, которые, как вы знаете, заинтересованы в создании кооператива собственников квартир. Они составят вашу инициативную группу. Их деятельность будет существенной для успеха создания кооператива собственников квартир.

2. СОСТАВИТЬ ОПРОСНЫЙ ЛИСТ

Включить вопросы, вызывающие ваших соседей на откровенное высказывание о том, что им нравится в своей общине (соседском окружении) и что бы они хотели изменить. Задавайте вопросы, которые помогут вам определить степень их знания о кооперативах собственников квартир, и несколько ненавязчивых вопросов об их желании оказать помощь в создании и работе кооператива.

3. ВСТРЕТИТЬСЯ С ИНИЦИАТИВНОЙ ГРУППОЙ

Установить дату, время и место проведения информационного собрания. Оставьте себе достаточно времени, чтобы связаться с соседями, провести опросы и последующие встречи. Начните составлять повестку дня информационного собрания и определите предварительную дату организационного собрания. Определите, собираетесь ли вы пригласить гостей, таких как представителей городских властей или сотрудников ICMA, чтобы они выступили на информационном собрании. Проведите предварительную подготовку.

4. СДЕЛАТЬ ДОСТОЯНИЕМ ГЛАСНОСТИ ВАШИ ОРГАНИЗАЦИОННЫЕ УСИЛИЯ

Используйте листовки и письма, опуская их в почтовые ящики, личные контакты со знакомыми соседями и познакомьтесь с теми из соседей, кого вы еще не знаете. Если ваш город показал агитационный видео-ролик по местному телевидению, сошлитесь на этот видео-ролик в вашем агитационном материале, чтобы ваши соседи узнали, что они участвуют в большой программе.

5. ПРОВЕСТИ ЛИЧНЫЕ ОПРОСЫ В КАЖДОЙ КВАРТИРЕ

Используйте приемы соседского дружелюбия, которые мы обсудили раньше. Постарайтесь записать дословные ответы. Проследите, чтобы инициативная группа просматривала эти ответы и использовала эти данные, чтобы определить краткосрочные и долгосрочные цели для кооператива. Используйте ответы на опросы, чтобы выделить дополнительных лидеров.

6. ПРОВЕСТИ ИНФОРМАЦИОННОЕ СОБРАНИЕ

Начните собрание вовремя, ограничив повестку дня основными темами, которые должны быть обсуждены, побуждая без принуждения к активному участию присутствующих жильцов. Объявите дату, время и место организационного собрания кооператива собственников квартир. Постарайтесь провести ваше собрание за 1 или, в крайнем случае, 2 часа.

7. ПРОВЕСТИ ОРГАНИЗАЦИОННОЕ СОБРАНИЕ

Будьте подготовлены. Приготовьте примерный устав для внесения изменений и утверждения. Подготовьте достаточное количество экземпляров устава, чтобы каждый смог просмотреть его и внести изменения. Знайте, как провести выборы штатных работников. Имейте описание каждого подразделения и обязанностей штатного работника. Определите, будут ли приглашенные гости помогать отвечать на вопросы о кооперативе собственников квартир, особенно о его юридическом статусе и правильном методе создания и регистрации кооператива. Если не будет никого от городских властей, подготовьте разъяснительное письмо в поддержку, чтобы раздать или зачитать его вслух.

Принять устав. Выбрать правление. Получивший самое большое количество голосов становится председателем. Организовать постоянные комитеты, определенные уставом. Согласовать процедуру передачи принятого устава городским властям для правильной регистрации. Установить дату следующего Общего собрания или специального собрания кооператива.

ГЛАВА 4

КАК УСПЕШНО ПРОВОДИТЬ СОБРАНИЯ

Большинство людей не любят ходить на собрания. И не только потому, что они слишком заняты, - многие собрания очень скучны и непродуктивны. Но при правильной подготовке и при правильном проведении собрания могут быть продуктивными и полезными. В этом разделе мы попробуем рассказать, как планировать, рекламировать и проводить плодотворные собрания по организации кооперативов собственников квартир.

Собрание не происходит само по себе - им надо управлять. Мы все посещали собрания, проводившиеся спонтанно, - это было очень досадной потерей времени. Но хорошо подготовленный руководитель собрания делает его быстрым и эффективным. Хороший руководитель собрания заранее позаботится о том, чтобы привлечь необходимый состав участников, а также о том, чтобы те, кто хочет высказаться, были услышаны.

КАК ПЛАНИРОВАТЬ СОБРАНИЕ.

Если вам нужно организовать собрание, начинайте с подготовки повестки дня и плана собрания. Собрание пройдет успешно, если вовремя позаботиться о его планировании.

Вот некоторые советы, как спланировать собрание:

- Составьте **повестку дня**, включающую основную причину собрания и список вопросов, которые предполагается решить. Повестка дня должна быть составлена заранее, и копии её розданы каждому участнику или распределены между группами жильцов.
- Назначьте **время собрания** так, чтобы оно было удобно для большинства участников. Учитывайте рабочий график жильцов. Позаботьтесь о том, чтобы не было накладок. Назначение собрания на время, когда происходят какие-либо более важные события значительно сократит число участников.

Удостоверьтесь, что время проведения собрания не совпадает с временем трансляции популярных телепередач, как например Санта-Барбара и другие.

- **Место** проведения собрания должно быть доступно и достаточно для размещения всех участников.
- **Ведите записи.** Организуйте кого-нибудь для ведения протокола собрания. Если вы выбрали или назначили секретаря, он должен отвечать за ведение протокола и записей. При отсутствии секретаря, председатель может назначить кого-либо из участников собрания вести протокол. То что должно быть записано, это продвижение от одного пункта повестки дня к другому, результаты голосований и решения принятые во время собрания.
- Если вам потребуется провести **следующее собрание**, запланируйте заранее место, время и дату его проведения, для того, чтобы вы могли огласить это до окончания текущего собрания.

КАК РУКОВОДИТЬ СОБРАНИЕМ.

Собранием должен руководить председатель правления кооператива, или, в его отсутствие, назначенный им для этого член кооператива. Председатель открывает собрание, ведет его, согласуясь с повесткой дня, и закрывает его. Руководя собранием и направляя его, председательствующий не обязательно занимает главенствующее положение в его повестке. Например главной целью собрания может быть доклад члена городской администрации об образовании кооперативов собственников квартир, или предположим, основным докладчиком на собрании может являться председатель комиссии по финансам КСК. Не важно, является ли председатель собрания основным докладчиком в повестке дня, и есть ли он там вообще. Важно, что председатель поддерживает порядок в ведении собрания, соблюдает регламент и повестку дня.

СОБЛЮДАЙТЕ РЕГЛАМЕНТ.

Начинайте собрание вовремя. Те, кто опаздывают, научатся приходить вовремя, если вы покажете, что вы пунктуальны и уважаете участников собрания, пришедших вовремя. Подумайте о повестке дня. Постарайтесь заранее прикинуть, сколько времени потребуется для обсуждения каждого пункта повестки. Поощряйте свободный обмен мнениями, но как только увидите, что ничего нового уже не говорится - переходите к следующему пункту программы. Как ведущий, вы обязаны придерживаться утвержденной повестки дня. Вы также обязаны контролировать чтобы её соблюдали другие выступающие. Некоторые люди склонны стремиться доминировать на собраниях. Не будьте с ними грубы, тактично дайте им понять, что вы главный на собрании, и вы передаёте слово следующему докладчику или переходите к следующему пункту программы. Эта способность тактично возвращать собрание к выработанной повестке дня, а докладчиков к темам выступлений должна быть развита у хорошего председателя собрания.

КАК БЫТЬ С ТЕМИ, КТО СОЗДАЁТ КОНФЛИКТЫ.

Конфликтные люди есть везде, и не удивительно если они будут на вашем собрании. Если кто-то мешает собранию или выступает слишком резко, председатель должен взять на себя ответственность и прямо обратиться к этому человеку, требуя прекратить эти действия. Хотя учитывать личные чувства данного человека необходимо, однако гораздо важнее принимать во внимание и чувства всех остальных присутствующих, которых могут расстроить и вывести из равновесия слова и поведение того, кому позволили мутить воду. Собрания должны проводиться в справедливой и демократичной манере, и поэтому критицизм и мнения меньшинства должны быть услышаны и рассмотрены. Однако, как только мнения высказаны, обязанность председателя вести собрание согласно пожеланиям большинства.

КОГДА ЗАКОНЧИТЬ СОБРАНИЕ.

Собрание заканчивается, когда вам и другим нечего больше сказать и все пункты повестки дня рассмотрены. К сожалению мы часто не можем понять, что нам уже нечего сказать! Председательствующий должен вовремя уловить появление признаков скуки и усталости. Если люди начинают ёрзать, или переливать из пустого в порожнее, то собрание можно заканчивать. Если председательствующий вовремя не обратит внимания на знаки, показывающие, что присутствующие уже не участвуют в работе собрания, то усталость может перейти в гнев, настороженность или враждебность. Люди терпеть не могут, когда их держат на собрании бесцельно. Помните, что вы устанавливаете взаимоотношения. Не пытайтесь сделать слишком много на одном собрании, так как вы рискуете что никто не придет на следующее.

Старайтесь расстаться с участниками собрания на положительной ноте. Закрытие часто становится наиболее запоминающимся моментом любого собрания. Если участники чувствуют, что собрание было плодотворно и все его задачи выполнены - закрывайте собрание. Переход к другой теме или идее может нарушить общую эйфорию и оставить негативные чувства к собранию в целом.

АНАЛИЗИРУЙТЕ ПРОВЕДЕННОЕ СОБРАНИЕ.

Когда собрание окончено, уделите немного времени чтобы проанализировать, что было выполнено, что получилось хорошо, и что можно было бы улучшить. Председатель, обращающийся к остальным с просьбой покритиковать собрание, где он только что председательствовал, это не самый лучший вариант. Люди, которых попросят прокомментировать собрание, затруднятся сказать председателю в глаза то, что должно быть сказано, особенно, если собрание прошло не очень успешно, или если проблемой был сам председательствующий. Председатель - это титул человека, занимающегося управлением кооперативом. Замечания полученные им, нельзя считать персональными, так как они направлены на то, чтобы помочь ему справляться с его ролью в организации. По той же причине, все жильцы в той или иной степени вовлечены в создание успешного кооператива собственников квартир. Благоприятные или не совсем благоприятные замечания делаются исходя из общих интересов.

ДОВОДИТЕ ДЕЛО ДО КОНЦА.

Просмотрите ваши заметки и заметки сделанные секретарём собрания для того, чтобы идентифицировать проблемы, на которые решено было обратить внимание или рассмотреть на следующем собрании. Ничто так не подорвёт желание людей участвовать в следующем собрании, как решение, которое не выполняется, как это

было обещано. Очевидно, что не следует обещать или начинать делать то, что вы не можете или не хотите сделать. Множество невыполненных обещаний перевесит одно выполненное.

ВОПРОСЫ ДЛЯ ПРОВЕРКИ

раздел 4

1) ВАША ИНИЦИАТИВНАЯ ГРУППА ПРОВЕЛА БЕСЕДЫ С ЖИЛЬЦАМИ И ЗАКОНЧИЛА ИХ ОПРОС. ТЕПЕРЬ ВЫ ГОТОВЫ СОЗВАТЬ ЖИЛЬЦОВ НА ОРГАНИЗАЦИОННОЕ СОБРАНИЕ.

Опишите, где и как вы бы рекомендовали провести это собрание.

Уточните, в какой именно день недели и в котором часу состоится собрание.

2) ВЫ ОРГАНИЗОВАЛИ КООПЕРАТИВ И ПРОВЕЛИ ОРГАНИЗАЦИОННОЕ СОБРАНИЕ. ТЕПЕРЬ ЖИЛЬЦЫ ДОЛЖНЫ ВСТРЕТИТЬСЯ ВО ВТОРОЙ РАЗ. ВЫ ПРЕДСЕДАТЕЛЬСТВУЕТЕ НА ЭТОМ СОБРАНИИ.

Обсудите порядок проведения собрания, так как он отражен в повестке дня. Начните с переключки и закончите роспуском собрания, включив в его план все дела, которые необходимо обсудить.

ГЛАВА 5

ФИНАНСИРОВАНИЕ КООПЕРАТИВА

ОТКУДА ПОСТУПАЮТ ДЕНЬГИ?

Как только вы образовали и правильно зарегистрировали ваш кооператив собственников квартир, вы получаете законное право открыть счет в банке на имя кооператива, и вам дается юридическое разрешение на деятельность вашего кооператива в качестве юридического лица по законодательству Республики. Возможно, наиболее важным преимуществом правильно зарегистрированного кооператива собственников квартир является его способность собирать плату, ранее выплачиваемую собственниками квартир местному ЖКО. Собственники, действуя совместно как кооператив собственников квартир, затем определяют, нужно ли собрать дополнительные средства на эксплуатацию, и нужно ли взимать особые сборы на финансирование проектов по капитальному ремонту и по усовершенствованию жилья. Решения о том, на что потратить собранные средства, выносятся самими собственниками квартир. В этой главе мы раскроем основные необходимые вам сведения, как правильно подсчитывать доходы и расходы кооператива. Для дальнейшей помощи при выполнении ваших бухгалтерских обязанностей мы передаем вам образец бланка.

ФИНАНСОВЫЙ ГОД И ГОДОВОЙ БЮДЖЕТ.

Как только начинается новый год, большинство из нас интересуется, что будет у нас отложено. Хотя мы и не можем заглянуть в наше собственное будущее, мы должны обдумать и распланировать обязательные платежи и подготовиться к решению неожиданных проблем, которые могут вынудить нас на непредвиденные расходы. Точно так же, зная, что возникнут проблемы в управлении нашим кооперативом, мы должны подготовиться к ним, подсчитав наши доходы и расходы на финансовый год. Получившийся план или бюджет поможет вам заглянуть в будущее вашей организации, чтобы помочь вам понять, будет ли у вас достаточно средств для обязательных платежей и определить необходимость откладывать средства для капремонта и обязательной замены необходимого оборудования в будущем.

Когда собственники квартир соберутся вместе на организационное собрание, они определяют финансовый год для своего кооператива собственников квартир. Многие предприятия принимают календарный год за финансовый год. Однако некоторые предприятия могут счесть более удобным принять за финансовый год любой другой годовой период. Мы рекомендуем Кооперативу собственников квартир выбрать календарный год в качестве финансового. Это потребует от вас начинать регистрировать финансовые операции с первого января каждого года и закрывать регистрационные книги в последний день декабря.

Кооперативы собственников квартир являются новым делом, и немногие люди имеют опыт в частном управлении многоквартирными домами. В результате, вашему кооперативу будет трудно уложиться в бюджет в первый год своей деятельности. Вы обнаружите, что ведение бюджета отнимает время и потребует от вас рано начать этот процесс и следить за вашими действительными доходами и расходами в текущем году по текущему бюджету, чтобы лучше распланировать следующий годовой бюджет. Вам рекомендуется начать выполнение бюджета за 60 дней до конца вашего финансового года. Для этого потребуются, чтобы собственники начали работу над бюджетом следующего года в ноябре текущего года. После нескольких лет работы вашего кооператива вы получите достаточный опыт, а аккуратные бухгалтерские записи (бухучет), помогут вам подготовить точный бюджет. Тем не менее, вы не можете отложить эту важную задачу. Начните процесс составления бюджета достаточно рано, чтобы проект бюджета был готов для рассмотрения общим собранием за 30 дней до конца финансового года. Если собрание собственников в качестве общего собрания не сможет одобрить (принять) бюджет, полномочия одобрения (принятия) передаются Правлению. Правление, однако, не может принять бюджет, содержащий годовые расходы, превышающие соответствующие расходы за предыдущий год более чем на 20 процентов.

Можно ожидать ежегодные повышения расходов в результате повышения налогов, зарплаты и расходов на управление из-за инфляции. Потребности в дополнительном ремонте и улучшении также повысят необходимость в увеличении резерва.

ПЛАНИРУЕМЫЕ ДОХОДЫ.

Ваш кооператив будет иметь несколько источников дохода, включая следующие:

- **Регулярные сборы** Под этой категорией дохода вы запишете все ежемесячные платежи, которые будут получены от собственников. Ежемесячная сумма будет определяться собственниками на годовом собрании Общего Собрания.

Вначале месячная плата будет равна платежу в городскую эксплуатационную службу.

- **Доход по процентам** Средства, положенные на банковский счет кооператива, будут получать доход в виде процентов. При первом использовании вклада на вашем банковском счете и зная процент выплаты банком, вы сможете точно просчитать доход по процентам на предстоящий год. Ведите учет ваших процентов отдельно от другого полученного дохода.
- **Особые сборы** Если на Общем Собрании собственники установили какие-либо специальные капитальные проекты и установили особые сборы, которые они будут платить для финансирования этих проектов, необходимо создать отдельную категорию учета для этих денег. Не обязательно открывать особый счет, но собираемый доход надо учитывать отдельно от другого получаемого дохода. Если вам легче хранить деньги отдельно на другом банковском счете, вам нужно получить одобрение правления и сделать так. Подсчет пропорциональной доли на специальные капитальные проекты не очень сложен. Как только собственники установили специальный проект и дату его завершения, определите соответствующую месячную долю стоимости, которую каждый собственник должен платить. Ваша задача сводится к выполнению простых математических подсчетов. В начале нужно разделить стоимость проекта на количество времени от одобрения до завершения проекта и при этом определить сколько денег нужно класть в банк ежемесячно, так чтобы ко времени начала проекта накопились достаточные средства для завершения проекта. Как только вы определили количество средств, необходимых откладывать ежемесячно, вторым шагом является определить пропорциональную долю, выплачиваемую каждым собственником так, чтобы достичь запланированного дохода. Если каждая квартира имеет одинаковую долю стоимости, подсчет сводится к делению всеобщих ежемесячных необходимых средств на число квартир. Если собственники одобрили несколько специальных капитальных проектов, вы будете следовать вышеуказанной процедуре получения денег для каждого проекта. Вам не нужно открывать отдельные счета на каждый капитальный проект, но вам нужно вести точные счета по гроссбуху для каждого капитального проекта, который оплачивается полученными целевыми средствами на каждый одобренный капитальный проект.
- **Специальный доход** Доходы, которые могут поступать в кооператив на нерегулярной основе, трудно подсчитывать, тем не менее в целях ведения бюджета вам следует пытаться подсчитывать, какой доход может быть получен на такой нерегулярной основе, как штрафы за просроченные платежи, полученные от собственников, которые нарушают ежемесячные платежи в кооператив. Нерегулярные источники дохода, подобные этим, называются разовым доходом. Доход от продажи квартиры, принадлежащей кооперативу, нужно классифицировать как разовый доход. Специальные разовые пособия, получаемые от государства, будут классифицированы как разовый доход, если они выплачены одним платежом. Если будет несколько фиксированных выплат за определенный период времени, они будут называться регулярными. Примером будет доход от коммерческих арендных плат, выплачиваемых ежемесячно в кооператив.

Каждый собственник должен вносить определенную долю выплат вовремя. Если собственники не вносят кооперативу выплаты, необходимые ему для деятельности, кооператив будет вынужден тратить время и средства на их сбор от неплательщиков. Если кооператив не имеет необходимых средств для эксплуатации помещений, он будет вынужден уменьшить объем эксплуатационных услуг. Если платежи не вносятся в срок и

кооператив вынужден сократить основной объем эксплуатации и отложить необходимые работы по улучшению жилья, состояние собственности будет ухудшаться и может снизить стоимость собственности и вашего вложения.

ПЛАНИРУЕМЫЕ РАСХОДЫ.

Трудно предсказать расходы, пока вы не получите дополнительный опыт в эксплуатации вашего многоквартирного дома. Тем не менее, необходимо начать подсчет текущих эксплуатационных расходов и расходов на ремонт и замену необходимого оборудования. Как указывалось выше, проекты по эксплуатации, предпринимаемые кооперативом, должны определяться собственниками. Тем не менее, для достижения целей нашей дискуссии, будем считать, что собственники решили, что одной из целей является улучшение эксплуатации подъездов.

Первым шагом является разбить цель на задачи. В нашем примере с подъездом, первая задача - сделать его более чистым, внедрив график ежедневной уборки. Дальше мы должны решить, кто будет выполнять эту задачу. Или мы возложим эти обязанности на жильцов каждой квартиры на добровольной основе по графику, или мы найдем кого-нибудь. Используемый нами подход определит стоимость выполнения этой задачи, которая должна быть включена в наш бюджет. Очевидно, если жильцы примут обязанности по уборке подъезда на общественных началах, наши затраты будут сведены к покупке веников и совков. Тем не менее, если мы найдем жильца или постороннего человека для этой задачи, мы должны уже сейчас выделить средства на оборудование и на годовую оплату человека, чтобы он подметал подъезд ежедневно.

Дополнительно к ежедневному подметанию подъезда, наша цель по эксплуатации также может включать задачу мыть подъезд еженедельно. Такая же логическая процедура должна быть принята для определения, кто будет выполнять задачу, какое оборудование понадобится, и сколько средств нам надо будет выделить на оплату этого человека на год.

В начале, жильцы могут решить выполнять определенные задачи добровольно на общественных началах. Это поможет снизить текущие расходы, однако, со временем, добровольцы могут потерять интерес к выполнению этих задач, и могут возникнуть проблемы, если некоторые жильцы не станут выполнять свои обязанности. Размышляя над прогнозом расходов по бюджету своего кооператива, реально подходите к тому, что вы намерены выполнять сами, и что вы можете выполнить за счет имеющихся ваших средств.

ЗАКЛЮЧЕНИЕ КОНТРАКТОВ НА ВЫПОЛНЕНИЕ РЕМОНТНЫХ РАБОТ.

По мере получения опыта в управлении вашим домом, будут установлены другие цели в эксплуатации. Многие цели будут включать задачи, которые нельзя решить собственными силами. Ремонт крыши, фундамента и фасада дома невозможен без помощи соответствующих специалистов. Нанять подрядчика нетрудно, однако необходимо без спешки отобрать самого лучшего подрядчика для выполнения этих ремонтных работ. Выбор подрядчика потребует от вас проконсультироваться с рядом подрядчиков, прежде чем сделать выбор. Временами это может быть нелегко. Срочный ремонт потребует немедленных ответных мер, и вы будете ограничены во времени для поиска подрядчика. В некоторых случаях, в вашей округе может быть ограниченное

число подрядчиков, которые смогут выполнить требуемый ремонт. По мере регистрации все большего числа кооперативов, будут образованы дополнительные малые предприятия для удовлетворения спроса все большего числа собственников, принимающих ответственность за эксплуатацию своих домов. По мере увеличения своих потребностей по содержанию и найму подрядчиков, вы будете развивать деловые отношения с рядом честных и надежных предприятий, к которым вы будете обращаться для выполнения своих целей по эксплуатации. Всегда помните, что вы заказчик и уделяйте время на проверку подрядчика, прежде чем вы решите поручить этому подрядчику выполнение работы. Узнайте у других, кто уже нанимал этого подрядчика для выполнения подобных ремонтных работ. Они могут сообщить вам, довольны ли были их работой. Проверьте, выполнял ли данный подрядчик работу вовремя и укладывался ли в смету? Спросите у них, будут ли они снова нанимать этого подрядчика для ремонта своих зданий. По мере того как вы, в качестве собственников-заказчиков, будете становиться более разборчивыми в выборе подрядчиков, они, в свою очередь, вынуждены будут улучшать свое мастерство и снижать свои расценки, чтобы быть более конкурентоспособными.

ФОРМИРОВАНИЕ БЮДЖЕТА И СОДЕРЖАНИЕ ДОМА.

Текущие расходы по эксплуатации позволят вам выполнять простые задачи по эксплуатации, такие как уборка подъездов. Большие задачи, такие как обширные ремонтные работы по крыше потребуют от вас точного расчета сметы для завершения ремонтных работ, чтобы затем представить бюджет собственникам на получения их согласия на общем собрании. Большие ремонтные работы обычно потребуют специального сбора со всех собственников квартир. Срочные ремонтные работы не могут ждать формирования годового бюджета и, вероятно, должны быть быстро выполнены для защиты жильцов или их имущества. Общее Собрание должно выработать политику, которая будет определять порядок и уполномачивать лиц совершать определенные затраты на ремонт. Эта политика должна заниматься порядком заключения контрактов для текущих ремонтных работ, порядком отбора подрядчика и необходимыми мерами по корректировке срочных ремонтных работ.

Помните:

- Уделите время, чтобы проанализировать цели и разбить их на отдельные задачи.
- Определите, кого нужно будет нанять для выполнения этой задачи, и какие дополнительные затраты, такие как на оборудование, понадобятся.
- Обязательно включите все затраты, необходимые для выполнения этой задачи, в ваш годовой бюджет.
- Тщательно выберите вашего подрядчика. Пригласите нескольких подрядчиков, чтобы они предложили свои расценки на ваш ремонт. Выделите время на проверку отзывов. Помните, что вы заказчик, и подрядчику нужен ваш кооператив в такой же мере, как и вам необходима помощь подрядчика.
- Разработайте процедуру выбора подрядчиков, включая механизм срочного найма подрядчика в аварийных ситуациях.

Вопросы для проверки

раздел 5

- 1) ОПИШИТЕ, КАКИЕ РАСХОДЫ БУДУТ У КООПЕРАТИВА В ПЕРВЫЙ ГОД ЕГО СУЩЕСТВОВАНИЯ.
- 2). СКОЛЬКО ДЕНЕГ И ИЗ КАКИХ ИСТОЧНИКОВ ПОСТУПАТ В КООПЕРАТИВ В ПЕРВЫЙ ГОД ЕГО СУЩЕСТВОВАНИЯ.
- 3) ОБСУДИТЕ НЕКОТОРЫЕ ОСНОВНЫЕ РЕМОНТНЫЕ РАБОТЫ И КАК ВЫ ОПРЕДЕЛИТЕ КАКУЮ СУММУ НУЖНО НА ЭТО ВЫДЕЛИТЬ.
- 4) ОПИШИТЕ ДОЛГОСРОЧНЫЕ РЕМОНТНЫЕ РАБОТЫ ИЛИ ПЛАНЫ ПО УЛУЧШЕНИЮ СОДЕРЖАНИЯ ДОМА, КОТОРЫЕ ДОЛЖНЫ БЫТЬ РАССМОТРЕНЫ ЖИЛЬЦАМИ. ОБСУДИТЕ ВОЗМОЖНОСТЬ ОТКРЫТИЯ СПЕЦИАЛЬНОГО СЧЕТА ДЛЯ ФИНАНСИРОВАНИЯ ЭТИХ ДОЛГОСРОЧНЫХ ЗАДАЧ.